

BY SPEED POST

**IN THE COURT OF SRI SMT. USHA PADHEE, PRINCIPAL SECRETARY TO
GOVERNMENT, HOUSING AND URBAN DEVELOPMENT DEPARTMENT, ODISHA,
BHUBANESWAR.**

(Appellate Authority under O.D.A. Act, 1982)

Appeal No. 110 of 2004

Under Section 91(2) of the O.D.A. Act., 1982

Mamata Sahu,.....Appellant

-vrs-

BDA, Bhubaneswar Respondent

Date 04.01.2025

The case record is put up today.

This proceeding taken up in person mode.

The appellant is present. OSD, ODA Act, Bhubaneswar Development Authority (BDA), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal dated 15.10.2004 has been filed by Mamata Saha (aged about 31 years), W/o Jayprakash Saha, resident of plot No. 1420 (P), Mouza- Bhimpur, PS- Capital (Bhubaneswar), Dist- Khurdha under sub-section (2) of Section-91 of the Odisha Development Authorities Act, 1982, [here in after referred to as "the Act"] registered as TP Appeal No.110 of 2004.

Heard the Parties.

The petitioner filed this instant appeal being aggrieved upon the impugned order dated 18.12.2003 passed by the Secretary, Bhubaneswar Development Authority (BDA) for demolition of unauthorized construction erected by the appellant.

The allegation against the appellant is that he has undertaken unauthorized construction of G+1 and RCC structure over plot No 1420 (Pt) of Mouza- Bhimpur, Bhubaneswar. The plot in question is earmarked for lake use zone in CDP 2010 and no construction over the land is permissible.

The contention of the appellant is that she is the absolute owner of the plot and the building in question has been constructed as per the plan approved by BDA.

Considering the facts and the circumstances made above and materials on records presented during the course of hearing, this Court observes that the appellant is under adverse possession of the lake use zone land. Any illegal construction over the land stated supra is liable to be demolished.

Hence this court upheld the order of the lower court and BDA is directed to act upon the order immediately.

Accordingly, this appeal dismissed.

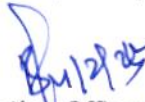
Sd/-
(**Smt. Usha Padhee**)



GOVERNMENT OF ODISHA
HOUSING & URBAN DEVELOPMENT DEPARTMENT
3RD FLOOR, KHARAVEL BHAWAN, BHUBANESWAR, PIN-751001

Memo No. 2448 /HUD., Date. 04.02.25

Copy forwarded to the Vice-Chairman, Bhubaneswar Development Authority (BDA), Bhubaneswar /OSD (ODA Act), Bhubaneswar Development Authority (BDA), Bhubaneswar/ Planning Member, Bhubaneswar Development Authority (BDA)/ Commissioner, BMC, Bhubaneswar for information and necessary action.


Section Officer

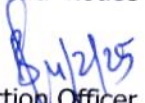
Memo No. 2449 /HUD., Date. 04.02.25

Copy forwarded to Mamata Sahu, At- Plot No. 1420(p), Mz- Bhimpur, Bhubaneswar, PS- Capital, Dist- Khurdha for information and necessary action.


Section Officer

Memo No. 2450 /HUD., Date. 04.02.25

Copy forwarded to the Team Lead, TASU, Housing & Urban Development Department with a request to take necessary steps in order to make the said notice available in the official website of this Department.


Section Officer