

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. 119 of 2005

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

Mukti kanta Batu.....Appellant

-vrs-

BDA, Bhubaneswar Respondent

Date 04.01.2025

The case record is put up today.

The hearing taken up in person mode.

The OSD, ODA Act, Bhubaneswar Development Authority (BDA), Bhubaneswar is present. The Learned Counsel for the appellant is present.

This Memorandum of Appeal dated 21.10.2005 has been filed by Muktikanta Batu, (aged about 32 years), S/o-Late Umakanta Batu, resident of Pathuria Badu Sahi, Old Town, P.O.- Bhubaneswar, P.S.- Lingaraj, Dist- Khurda under sub-section (2) of Section 91 of Odisha Development Authority Act, 1982 [herein after referred to as "the Act"] registered as TP appeal No. 119/2005.

Heard the parties.

The appellant filed the instant to set aside the impugned order dated 05.09.2005 passed by Secretary, Bhubaneswar Development Authority in UAP Case No. 57/2005 for removal of the unauthorized constructions.

The submission made by the BDA reveals that, he has erected unauthorized construction by way of compounding wall encroaching Government land over Plot no. 1354 (p) and 2316 (p) in mouza Bhubaneswar.

The appellant contends that the alleged encroached Government land is absolute property of the appellant and construction made by him is within his own premises.

During the course of hearing the appellant failed to submit the requisite documents regarding the ownership of the land and approved plan for the alleged construction. Considering the facts and records presented during the course of hearing, this Court observes that the appellant has erected unauthorized construction encroaching Government land.

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

Accordingly this appeal is dismissed.

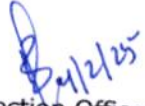
Sd/-
(**Smt. Usha Padhee**)



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

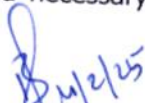
Memo No. 2457 /HUD., Date. 04.02.25

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

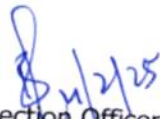
Memo No. 2458 /HUD., Date. 04.02.25

Copy forwarded to Sri Muktikanta Batu, Pathuria badu Sahi, Old Town, PO- Bhubaneswar-2, PS- Lingaraj, Bhubaneswar, Dist- Khordha for information and necessary action.


Section Officer

Memo No. 2459 /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