

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. 58 of 2003

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

Pramila Kumari Khatai.....Appellant

-vrs-

BDA, Bhubaneswar Respondent

Date. 01.02.2025

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 25.06.2003 has been filed by Pramila Kumari Khatei, aged about 38 years, resident of Plot No. A-11, Ruchika Bazar, Baramunda, Bhubaneswar-3, Dist- Khurda 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.58 of 2003.

Heard the Parties.

The petitioner filed this instant appeal being aggrieved upon the impugned order dated 29.05.2003 passed by the Secretary, Bhubaneswar Development Authority (BDA) in UAP case No.23 of 2003 for removal of unauthorized construction erected by the appellant.

The allegation against the appellant is that she has undertaken unauthorized construction over plot No. A-11 in Mouza- Baramunda, Bhubaneswar beyond the approved plan by extending roof projection over the conservancy land.

The appellant submitted that the suit plot was allotted to her by the Odisha State Housing Board, Bhubaneswar. The appellant admitted that along with other resident, she also have made some construction over the conservancy land by way of encroachment.

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 conservancy land. Any illegal construction over the land stated supra is liable to be demolished.

Hence this court upheld the order of the lower court directing BDA to visit Ruchika Market and take necessary action for removal of unauthorized constructions made by the residents over Government land.

Accordingly, this appeal disallowed.

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



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

Memo No. 6994 /HUD.,

Date. 25.03.2021

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. 6995 /HUD.,

Date. 25.03.2021

Copy forwarded to Pramila kumara Khatai, A-II, Ruchika Bazar, Baramunda, Bhubaneswar, Khurdha for information and necessary action.


Section Officer

Memo No. 6996 /HUD.,

Date. 25.03.2021

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