

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.133 of 2005

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

Prafulla Kumar Panigrahi.....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 13.12.2005 has been filed by Shri Prafulla Kumar Panigrahi, aged about 57 years, s/o- Late Khalli Panigrahi resident of Vill- Jirabadi, PS- Buguda, Dist- Ganjam 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. 133 of 2005.

Heard the Parties.

The petitioner filed this instant appeal being aggrieved upon the impugned order dated 16.11.2005 passed by the Secretary, Bhubaneswar Development Authority (BDA) in UAP case No. 219 of 2005 for removal of unauthorized construction erected by the appellant.

The allegation against the appellant is that he has undertaken construction of G+1 and G+2 structure along with another two small ground floor and one AC shed structure in deviation from the approved plan. The two small ground floor structure and the AC shed structure is completely unauthorized and liable to be demolished. Further, deviation has been made in the main structure constructed comprising of G+1 and G+2 storied building.

The appellant admitted that additional construction has been made deviating the approved plan.

Considering the facts and the circumstances made above and materials on records presented during the course of hearing, this Court observes that additional construction has been made by the appellant deviating the approved plan. Construction beyond approved plan is liable to be demolished.

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

Accordingly, this appeal disallowed.

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



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

Memo No. 7004 /HUD.,

Date. 25.03.2025

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.

25/3/25
Section Officer

Memo No. 7005 /HUD.,

Date. 25.03.2025

Copy forwarded to Prafulla Kumar Panigrahi, Plot No. 1464, Baramunda (Siripur), Bhubaneswar, PS- Khandagiri, Dist- Khurdha for information and necessary action.

25/3/25
Section Officer

Memo No. 7006 /HUD.,

Date. 25.03.2025

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.

25/3/25
Section Officer