

BY SPEED POST

**IN THE COURT OF SRI GANGADHAR NAYAK, SPECIAL SECRETARY TO
GOVERNMENT, HOUSING AND URBAN DEVELOPMENT DEPARTMENT,
ODISHA, BHUBANESWAR.**

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

Appeal No.29 of 2024

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

Kailash Sahoo.....Appellant

-vrs-

CMC, Cuttack..... Respondent.

Order

Date 18.01.2025

The case record is put up today. This proceeding taken up in person mode.

The Learned Advocate for the appellant is present. Sri Sourajit Mohapatra, intervener is present. The representative of CMC, Cuttack is present.

This Memorandum of Appeal dated 15.04.2024 has been filed by Sri Kailash Sahoo (aged about 58 years), resident of Plot No. 2B/250, Sector-13 CDA, PS-Markat Nagar-II, Cuttack under sub-section (2) of Section-91 of the Odisha Development Authorities Act, 1982, [herein after referred to as "the Act"] registered as TP Appeal No.29/2024.

Heard the Parties.

The appellant has filed the instant appeal challenging the impugned order dated 12.01.2024 passed by Deputy Commissioner (UC Court), CMC, Cuttack and confirmed by Commissioner, CMC in UC Case No. 28/2023 and communicated to the appellant vide letter No. 2608, Dated 19.02.2024 for removal of unauthorized construction erected by him.

The CMC has initiated the UC case No.28/2023 basing upon the report of the Amin, CMC directed to assertion the factual position of the allegation dated 31.05.2023 of one Sri Sourajit Mohapatra as to the proceeding of unauthorized construction over the plot No.2B/250, sector 13, CDA, Cuttack.

After, registration of the aforesaid UC case, CMC a series of communication were made to the appellant to stop construction of unauthorized construction beyond approved building plan in respect of ground floor to the third floor and deviation observed in the front setback area, rear set back area, right setback area. But, the appellant in the instant appeal paid no heed to the Orders of the CMC. Consequent upon further hearing in UC Case No.28/2023 and field verification report of Amin and Asst. Town Planner, the CMC considered proper to issue order on behalf of the appellant to demolish the illegal development/construction, which he has made the mentioned above.

During course of hearing, a *status quo* was given on above property by the appellate authority, but it is alleged by the interverner(Sri Saurajit Mohapatra) that the appellant has not obey the Order of the Hon'ble Court and is still carrying out construction work and submitted some photo proof in this effect. The allegation was completely refuted by the appellant. In order to ascertain the truth, the appellate authority directed the Deputy Commissioner, ODA Court, CMC, Cuttack to cause a detailed inquiry regarding violation of orders of this court along with detailed deviation / unauthorized construction erected by the appellant and furnish the report thereof before this Court within a period of 7 days.

After detailed deliberation and examination of the case, it is found that Mr. Kailash Sahoo and Smita Sahoo have continued the construction of the building even after getting a stop construction notice and demolition notice from CMC and status quo given by the appellate authority and hence, the allegation of the interverner found to be true.

After careful consideration of the submissions made by the parties and the field verification report, this court observed that, the appellant has violated the norms as enshrined under the building plan issued in his favour and erected unauthorized structure beyond approved plan. Finding no merit in the appeal of the petitioner, this court uphold the orders of the lower court and directs CMC to act accordingly within the purview of law.

Accordingly, the appeal petition is disposed of.

Urgent copy of this order be supplied as per Rules and be also uploaded in the Department website.

Sd/-

(Sri Gangadhar Nayak)

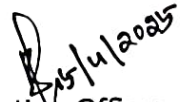


GOVERNMENT OF ODISHA
HOUSING & URBAN DEVELOPMENT DEPARTMENT
3RD FLOOR, KHARAVEL BHAWAN, BHUBANESWAR, PIN-751001

Memo No. 8323 /HUD.,

Date. 15.04.2025

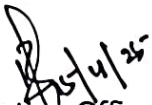
Copy forwarded to the Deputy Commissioner (UC Court), Cuttack Municipal Corporation, Cuttack/ City Planner, Cuttack Municipal Corporation, Cuttack for information and necessary action.


15/4/2025
Section Officer

Memo No. 8324 /HUD.,

Date 15.04.2025

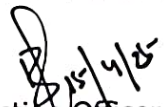
Copy forwarded to Sri Kailash sahu, S/o- late Udayanath Sahoo, Sangrampur, utarkul, Tendakunda, PS- Kishan Nagar, Cuttack/ Sri Sourajit Mohapatra, At- Plot No. 1497/B, Sector-6, CDA, Markatnagar, Cuttack- 14 for information and necessary action.


15/4/25
Section Officer

Memo No. 8325 /HUD.,

Date. 15.04.2025

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.


15/4/25
Section Officer