

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. 50 of 2022

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

Sri Bhanja Kishore Pattnaik.....Appellant

-vrs-

CMC, Cuttack Respondent

Date 10.02.2025

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

The Learned Advocate for the appellant is present. The representative of CMC, Cuttack is present.

This Memorandum of Appeal 27.10.2022 has been filed by Sri Bhanja Kishore Patnaik, S/o Late Rama Chandra Patnaik resident of Arunodaya Nagar, PO/PS-Badambadi, 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.50/2022.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 06.09.2022 passed in UC Case No. 02.2020 by Deputy Commissioner, UC Court, Cuttack Municipal Corporation, Cuttack on removal of unauthorized construction erected by the appellant within the purview of CMC, Cuttack.

The allegation against the appellant is that, the appellant has erected unauthorized construction of permanent structure over plot No. 62/1522 bearing khata number- 527/104 in Arunodayanagar, Cuttack without obtaining necessary

permission from the competent authority. In this regard, the appellant was directed to remove the existing unauthorized construction within one month period from the receipt of the order passed by CMC, Cuttack.

During the course of hearing CMC, Cuttack submitted that, based on the allegation dated 06.03.2020, an inquiry was conducted by City Planner on dated 11.03.2020 as per the procedure and based on the findings of the enquiry an UC case was instituted against the appellant. Further he submitted that, since the said construction has not been regularized by the appellant, is liable for demolition.

Perused the prayer of the appellant wherein it has been submitted that, the appellant has obtained necessary building plan for the main structure in 1987. The appellant conceded that additional construction of an ACC sheeted house has been made by him without obtaining any prior necessary approval from the competent authority. Further he submitted that, since the construction has been made over his own land and compoundable under extant regulations, the same may not be treated as unauthorized construction.

After careful consideration of the submissions made by the parties, this Court observes that, additional construction has been made by the appellant beyond the approved plan over the suit land. Though the appellant is contending that, the additional construction is compoundable under the extant regulations but the Learned Counsel for the appellant failed to produce any document establishing that, the appellant has prayed for compounding of the same. In view of the above, this Court upholds the order of the lower court.

Accordingly, this case 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

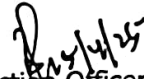
Memo No. 8326 /HUD., Date. 15.04.2025

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


Section Officer

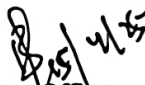
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Copy forwarded to Sri Bhanja Kishore Patnaik, S/o- Late Rama Chandra Nayak, At- Arunodaya Market, PO- Badambadi, Cuttack, Dist- Cuttack / Sri Bipin Bihari Dash, At- Arunodaya Market, PO- Badambadi, Cuttack, Dist- Cuttack (9437480560) for information and necessary action.


Section Officer

Memo No. 8328 /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.


Section Officer