

BY SPEED POST

**IN THE COURT OF 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 2023

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

Sri Dayanidhi Routray.....Appellant

-vrs-

BMC, Bhubaneswar 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, the OSD, ODA Act, Bhubaneswar Development Authority (BDA), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal 22.11.2023 has been filed by Sri Dayanidhi Routray (aged about 74 years), S/o Late Narendra Rout resident of Plot No. 1756, Mahatab Road, Mouza- Kapila Prasad, PS- Air Field, Bhubaneswar- 751002 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.58/2023.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 18.12.2023 passed in UAP Case 59/2018 by Deputy Commissioner, ODA Court, Bhubaneswar Municipal Corporation, Bhubaneswar and communicated to the appellant vide letter

No. 59854, dated 18.12.2023 to vacate the encroached Government land in Mouza-Kapila Prasad, Bhubaneswar and remove the illegal construction erected by the appellant.

The allegation against the appellant is that, the appellant has made G+1 storied RCC building by deviating the Planning and building Standard Regulation of ODA Act, 1982 over Plot No. 1756, 1756/2227, 1756/2754 in Kapilaprasad, Bhubaneswar without any prior approval of the Competent Authority. Further, the appellant has encroached the adjacent Government Land (Plot No. 1756/2754 and 1757/2768) and erected unauthorized construction over it, which is not compoundable.

Perused the prayer of the appellant wherein it has been contended that, the appellant has constructed his residential house since a long time and had applied for regularization of the building by depositing requisite fees but BDA has illegally rejected his application.

Considering the facts and the circumstances made above and materials on records, this Court observes that the appellant has erected unauthorised construction by deviating the Planning and building Standard Regulation of ODA Act, 1982 without any prior approval of the Competent Authority, which is not compoundable. Further, the appellant has encroached the adjacent Government Land and erected unauthorized construction over it.

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

Accordingly, this appeal is dismissed.

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

Sd/-

(Smt. Usha Padhee)



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

Memo No. 11954 /HUD., Date. 27/5/2025
Copy forwarded to the OSD (ODA Act), Bhubaneswar Municipal Corporation (BMC),
Bhubaneswar/ City Planner Bhubaneswar Municipal Corporation (BMC), Bhubaneswar)/
Commissioner, BMC, Bhubaneswar for information and necessary action.


Desk Officer

Memo No. 11955 /HUD., Date 27/5/2025
Copy forwarded to Sri Dayanidhi Routray, At- Plot No. 1756, Mz- Kapilaprasad, PS-
Lingaraj, Bhubaneswar -751002 for information and necessary action.

He is directed to appear before this Court on 18.01.2025 at 3.00 PM for hearing.


Desk Officer

Memo No. 11956 /HUD., Date. 27/05/2025
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.


Desk Officer