



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

Memo No. 13763 /HUD., Date. 16-06-2025
Copy forwarded to the OSD (ODA Act), Bhubaneswar Development Authority,
Bhubaneswar for information and necessary action.


Desk Officer

Memo No. 13764 /HUD., Date 16-06-2025
Copy forwarded to Sri Bhawani Shankar Nanda, Plot No. 768, Jayadurga nagar,
Bhubaneswar- 751006 for information and necessary action.


Desk Officer

Memo No. 13765 /HUD., Date. 16-06-2025
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

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.01 of 2024

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

Bhawani Shankar Nanda.....Appellant

-VRS-

BMC, Bhubaneswar Respondent.

Order

Date 05.04.2025

The case record is put up today.

This proceeding taken up in person mode.

The Learned Advocate for the appellant is present, the representative of Bhubaneswar Municipal Corporation (BMC), Bhubaneswar [Respondent] is present. Director of Town Planning is present.

This Memorandum of Appeal dated 03.05.2025 has been filed by Sri Bhabani Sankar Nanda (aged about 75 years), S/o Late Achutananda Nanda, resident of Plot No. 768, Jayadurga Nagar, PS-Laxmisagar, Bhubaneswar-6, District- Khurdha 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.01/2024.

Heard the Parties.

The appellant filed the instant appeal to set aside the impugned order dated 28.11.2023 passed by Bhubaneswar Municipal Corporation and communicated to the

appellant vide letter No. 58544/BMC, Dt. 08.12.2023 for removal of AC shed & iron gate installed on the road.

The allegation against the appellant is of undertaking unauthorized construction and encroaching the public road. The appellant has constructed an unauthorized AC shed beyond the approved building plan at the North and West corner of Plot No. 768 and has installed an iron gate at a distance of 22' 0" from his house by way of encroaching and obstructing the public road.

The Learned Advocate for the appellant submitted that, the iron gate has been installed over 769/1718, khata No. 862 of Mouza- Gobindaprasad over private road of Sri Lingaraj Mishra, father-in-law of the appellant.

During the Course of hearing BMC submitted that, G+1 RCC building over Plot No. 768 is as per the approved building plan but there is an existing unauthorised Ac shed at the north and west corner of the plot with nil setback which is not compoundable as per the extant regulation. Additionally he has installed an iron gate by way of encroaching and obstructing the public road.

Taking into consideration the submission made by both the parties, records presented during hearing, this Court uphold the order passed by the Deputy Commissioner, BMC, Bhubaneswar in UAP case No. 47/22 as it relates to demolition of unauthorized construction over public road.

Accordingly, appeal is disallowed.

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

Sd/-

(Smt. Usha Padhee)