

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.16 of 2024

Under Section 18 (1) of the O.D.A. Act., 1982

Raj Kunwar Nayak.....Appellant

-vrs-

BDA, Bhubaneswar Respondent.

Order

Date 04.05.2025

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 Development Authority (BDA), Bhubaneswar [Respondent] is present. Director of Town Planning is present.

This Memorandum of Appeal dated 15.03.2024 has been filed by Sri Raj Kanwar Nayak (aged about 55 years), W/o Shri Debasis Nayak, resident of Nuasahi, Jobra, College Chakk, Cuttack Sadar, Dist- Cuttack under sub-section (1) of Section- 18 of the Odisha Development Authorities Act, 1982, [here in after referred to as "the Act"] registered as TP Appeal No.23/2024.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 27.04.2023 passed by Bhubaneswar Development Authority in PBRUC Case No. 4574 of 2020 and communicated to the appellant vide letter No. 13575/BDA, Dt. 27.04.2023 on refusal of

permission under provisions of the Schemes for Regularization of Unauthorized Constructions [here in after referred to as "SRUC"], 2019.

The allegation against the appellant is that, the appellant has submitted incomplete application for regularization of G+3 storied residential building over Plot No. N1 /22 in Mouza- Jayadev Vihar SRUC-2019, wherein the revised building plan, copy of the previously approved plan, affidavit for possession of land and construction undertaken in form-B were not submitted. Hence, BDA rejected/refused his application.

Perused the prayer of the appellant wherein it has been contended that, he has applied under SRUC-2019 for regularization of the said property. The BDA arbitrarily rejected his application without adhering due process of law and without providing him fair opportunity for the compliance of the show-cause notice. On refusal of the application the appellant was not intimated the same by BDA. The appellant obtained information through RTI application and got to know that his application has already been rejected/ refused and the amount deposited by him has been refunded. During the course of hearing the Learned Advocate for the appellant prayed for allowing reasonable opportunity to comply with the queries made by BDA for considering the case under the aforesaid scheme.

After careful consideration of the submissions made by both parties, this Court observes that BDA is lacking in providing the opportunity to the petitioner to comply the show-cause.

In view of the above the case is remitted back to BDA for disposal as per law, taking into consideration the provisions enshrined under SRUC and submit the compliance report within three weeks before this Court.

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/-

(Smt. Usha Padhee)

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

Memo No. 13886 /HUD.,

Date. 17-06-2025

Copy forwarded to the OSD (ODA Act), Bhubaneswar Development Authority, Bhubaneswar for information and necessary action.


Desk Officer

Memo No. 13887 /HUD.,

Date 17-06-2025

Copy forwarded to Raj Kunwar Nayak, aged about 55 years, W/o- Shri Debashis Nayak, resident of Nuasahi, Jobra, College Chhak, Cuttack Sadar, Dist- Cuttack, 753003 for information and necessary action.


Desk Officer

Memo No. 13888 /HUD.,

Date. 17-06-2025

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