

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.04 of 2024

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

Sumitra Sahu.....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 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 09.07.2024 has been filed by Smt. Sumitra Sahoo (aged about 48 years), W/o Dusmanta Kumar Behera resident of Plot No. 929/2761, At-Nakhara, PO-Phul Nakhara, PS- Pahal, Dist- Khordha and Sri Satyabrata Sahoo (aged about 44 years), S/o Sarbeswar Sahoo, resident of Plot No. 929, 929/2820, 929/2761/3062 At-Nakhara, PO-Phul Nakhara, PS- Pahal, Dist.- Khordha, Odisha 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.04/2024.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 16.11.2023 passed by Deputy Commissioner, ODA Court, Bhubaneswar Municipal Corporation in UAP Case No. 01/23 and communicated to the appellant vide letter No. 153/BDA, Dt. 02.11.2024 in respect of demolition of unauthorized construction erected by the appellant.

The allegation against the appellant is that, the appellant constructing a G+1 and G+2 storied RCC building over Plot No.-929, MZ-Nakhara, Bhubaneswar, Dist-Khurda, without

obtaining the necessary approvals from competent authority deviating the ODA (P&BS) Regulations. Despite being duly served a notice under Sub-Section (1) of Section-91 of the ODA Act, 1982 on the removal of unauthorized constructions, the appellant notably failed to furnish any legitimate documentary evidence, such as an approved building plan, to justify the aforesaid construction.

During the course of hearing the appellant submitted that, he has constructed the said building 8 years back and he did not have any knowledge to that effect for getting prior building plan approval from the competent authority for any construction for which he has raised the said building without approved plan. Further he submitted that, he shall be given reasonable opportunity to regularise his unauthorised construction by depositing the requisite compounding fees.

After taking into consideration the submission made by both the parties, records presented during hearing, this court is of view that, the BMC to consider his prayer by providing reasonable opportunity to the appellant for applying for regularisation of the said unauthorised construction, if compoundable, as per the extent regulations. Further, any illegal construction/ encroachment over adjacent Government are liable to be demolished immediately.

Accordingly, this appeal 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. 14335 /HUD.,

Date. 23/06/2025

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


Desk Officer

Memo No. 14336 /HUD.,

Date 23/06/2025

Copy forwarded to Sumitra Sahoo, W/o- Dushmanta Kumar Behera, Plot No. 929/2761, At- Nakhara, PO- Phulnakhara, Bhubaneswar, Dist- Khordha for information and necessary action.


Desk Officer

Memo No. 14337 /HUD.,

Date. 23/06/2025

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