

**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.20 of 2024

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

Smt. Seema Samantaray.....Appellant

-vrs-

BDA, Bhubaneswar ..... Respondent.

**Order**

Date 18.06.2025

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 11.06.2025 has been filed by Smt. Seema Samantaray (aged about 54 years ), W/o- Prajukta Samantaray, resident of Plot No. N-3/369, IRC Village, Jayadev Vihar, PS- Nayapalli, Bhubaneswar, Dist- Khordha, Odisha-751015 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.20 /2025.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 25.04.2022 passed by Bhubaneswar Development Authority in PBRUC Case No. 737 of 2020 and communicated

to the appellant vide letter No. 14455/BDA, Dt. 25.04.2022 on refusal of permission under provisions of the Schemes for Regularization of Unauthorized Constructions [here in after referred to as "SRUC"], 2018/2019.

The allegation against the appellant is that, the appellant has submitted the applications for regularization of B+G+3 storied shop-cum-residence building over Plot No. S-1133/1701, Khata Number-583/322 corresponding to GA plot No.-267 of Mouza-Madhusudan nagar, comprising an area of 200.32 sq. mtr under the Tehsil- Bhubaneswar, Dist- Khordha in incomplete shape, wherein the photographs of the existing building is not matching with submitted building plan and the existing activities were not confirming as per BDA(P&BS) Regulations-2018.

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 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 with 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**  
**3<sup>RD</sup> FLOOR, KHARAVEL BHAWAN, BHUBANESWAR, PIN-751001**  
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Memo No. 15471 /HUD.,

Date. 08.07.2025

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

  
Desk Officer

Memo No. 15472 /HUD.,

Date 08.07.2025

Copy forwarded to Smt. Seema Samantaray, aged about 54 years, W/o- Prajukta Samantaray, resident of Plot No. N-3/369, IRC Village, Bhubaneswar, Dist- Khordha for information and necessary action.

He is directed to appear before this Court on 21.06.2025 at 3.00 PM for hearing of the appeal case.

  
Desk Officer

Memo No. 15473 /HUD.,

Date. 08.07.2025

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