

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

Memo No. 15657 /HUD.,

Date. 09.07.2025

Copy forwarded to the DC-cum-AO (ODA Court), BMC, Bhubaneswar for information and necessary action.


Desk Officer

Memo No. 15658 /HUD.,

Date 09.07.2025

Copy forwarded to Prasanna Mangaraj, aged about 61 years, S/o- late Dharanidhara Mangaraj, Plot no. 810/1210, Mz- Satyanagar, Bhubaneswar- 01, Dist- Khurdha / Nayana Mangaraj, W/o- late Pradip Kumar Mangaraj, Plot No. 810/1210, Mz- Satyanagar, Bhubaneswar- 01, Dist- Khurdha for information and necessary action.


Desk Officer

Memo No. 15659 /HUD.,

Date. 09.07.2025

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

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.08 of 2025

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

Prasanna Kumar Mangaraj.....Appellant

-VRS-

BMC

BDA, Bhubaneswar Respondent.

Order

Date 21.06.2025

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 Municipal Corporation (BMC), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal dated 17.03.2025 has been filed by Sri Prasana Kumar Mangaraj (aged about 61 years), S/o Late Shri Dharanidhar Mangaraj, resident of Plot No. A/55, PO-Satya Nagar, PS-Kharavela Nagar,, Bhubaneswar-751007, 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.08/2024.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 18.02.2025 in UAP No. 19/2024 passed by Deputy Commissioner-cum-AO, ODA Act, Bhubaneswar Municipal Corporation and communicated to the appellant vide letter No. 8911/BMC, Dt. 19.02.2025 for removal of the alleged unauthorized construction erected by the appellant.

The allegation against the appellant that, he has undertaken a unauthorized structure of a G+3 storied building over Plot No. 810/1210, under Khata No. 332 of Mouza-Satya Nagar, Bhubaneswar without any approved plan deviating Planning and Building Standard

Regulations of ODA Act, 1982. The representative of BMC submitted that, Dharanidhar Mangaraj, the original owner of the scheduled property has obtained the plan for a G+1 storied building vide Letter No. 9023 dated 12.11.1998. But the existing G+3 storeyed building on the scheduled plot has no prior approved plan and not compoundable as per the extent regulations. The other legal heirs of the deceased owner assert their equal share in the plot and contended that they did not give consent for the regularization of the unauthorized construction. The appellant filed an application for regularization of the G+3 building, but this application was rejected by the Planning Member of the Bhubaneswar Municipal Corporation (BMC) on 19.06.2024. Despite this, the appellant continued to pursue regularization of the said property, even seeking an adjournment from the lower court to produce an approved regularized plan.

This Court heard the prayer of the Learned Advocate for the appellant, wherein he submitted that due to the dispute among the legal heirs of the original owner of this property the application for regularization has been denied. Further, he admitted that, the construction has been made deviating the approved plan but the same is compoundable as per the provision and the appellant may be granted reasonable opportunity for consideration for regularisation.

After careful consideration of the submissions made by both the parties, this Court is of view that, the unauthorized nature of the construction by the appellant has no prior approved plan and the said is not compoundable as per the extent regulations. In view of the above, this Court upholds the order of the lower Court and BMC is directed to act upon this order immediately.

Accordingly, the appeal petition is disposed of.

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

Sd/-

(Smt. Usha Padhee)