

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. 11 of 2024

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

Santosh Kumar PattanaikAppellant

-vrs-

BMC, 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 21.06.2025 has been filed by Sri Santosh Kumar Pattanaik, S/o- Late Gopinath Pattanaik, resident of Plot No.446/3367, Patrapada, P.O- Patrapada, P.S- Khandagiri, Bhubaneswar-751019, District- Khurda, 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. 11/2024.

Heard the Parties.

The instant appeal is filed on dtd.12.03.2024 challenging the order dtd. 06.04.2023 passed in UAP No- 176/2020 by the Dy. Commissioner, BMC and communicated to the appellant vide Letter dtd. 02.01.2024 for removal of unauthorised construction erected by the appellant deviating the Planning and Building Standard regulation of ODA Act, 1982 by the appellant.

The representative of BMC submitted that though the appellant has regularised a pre-existing ground floor residential unauthorised building in the amnesty scheme, 2019, there is an existing G+1 commercial building over the scheduled land in deviation to the Planning and Building Standard regulation of ODA Act, 1982. Further, the appellant has encroached the adjacent Government Land for additional

construction, which is not compoundable. Accordingly, BMC has issued demolition order directing the appellant to remove the unauthorised construction and vacate the Government land over the Khata No. 703/1950, Plot No. 429/3366, Khata No. 778, Plot No. 437(p), Khata No. 780, Plot No. 434 (p), area-0.425, Plot No. 728(p), Plot No. 429/9 and 429/10 falsely showing road as encroached by him

The Learned Advocate for the appellant averred that the appellant is the rightful owner of Plot No. 429/3366 in Khata No. 703/3653 under Mouza- Patrapada, which was partitioned among him and his brothers through a registered deed in 2009 and subsequently mutated in their respective names. He constructed his residential building on his portion of Plot No. 429/3366, which was duly regularized by the Bhubaneswar Development Authority vide Letter No. 12783 dated 21.05.2019 and he has been paying holding tax and other government dues regularly. The appellant clarified that neighbouring plots 428 and 434 (Pt.) are recorded as Government land and lie approximately 30 feet away from his building and neither he nor his family members have ever encroached upon or constructed on these plots. He alleged that certain neighbouring plot owners, in collusion with the BMC Amin, deliberately made false and fabricated reports claiming that he encroached on government land to create a road through his private (stitiban) land. The Learned advocate further submitted that the order was issued without proper verification and requests a joint demarcation by Tahasil, BMC, and BDA officials to properly ascertain the actual boundaries of the plots and disprove the allegation of encroachment.

After careful consideration of the submissions made by both parties, this court is of view that the existing G+1 commercial building over the scheduled land is deviating the Planning and Building Standard Rule-2020, and the appellant has encroached the adjacent Government Land for additional construction which is not compoundable.

Accordingly this Court upholds the order of the Lower Court and a the appeal is disallowed.

Urgent copy of the 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. 22094 /HUD.,

Date. 17/09/2025

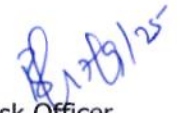
Copy forwarded to the OSD (ODA Act), Bhubaneswar Municipal Corporation, Bhubaneswar/ City Planner, Bhubaneswar Municipal Corporation, Bhubaneswar for information and necessary action. (odacourtbmc@gmail.com)


Desk Officer

Memo No. 22095 /HUD.,

Date 17/09/2025

Copy forwarded to Santosh Kumar Pattanaik, S/o- Late Gopinath Pattanaik, resident of plot No. 446/3367, Patrapada, PS- Khandagiri, Bhubaneswar, Dist- Khordha for information and necessary action.


Desk Officer

Memo No. 22096 /HUD.,

Date. 17/09/2025

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