

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.07 of 2023

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

Menaka Kumari Das.....Appellant

-vrs-

BMC, Bhubaneswar Respondent.

Order

Date 21.06.2025

The case record is put up today.

This proceeding taken up in person mode.

The appellant is present, the representative of Bhubaneswar Municipal Corporation (BMC), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal dated 01.09.2023 has been filed by Smt. Menaka Kumari Das (aged about 70 years), W/o Late Amarendra Narayan Das, resident of Plot No. 1274, Laxnisagar, Po-Budheswari, Bhubaneswar, 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. 07/2023.

Heard the Parties.

The appellant filed the instant appeal to set aside the impugned order dated 04.01.2023 passed by OSD, ODA Act, Bhubaneswar Municipal Corporation and communicated to the appellant vide letter No. 7802/BMC, Dt. 20.02.2023 for removal of the alleged unauthorized construction on a public road.

The allegation against the appellant is that the appellant has undertaken unauthorized construction of G+1 RCC Building over Plot No. 1274, Mouza-Laxmisagar, Dist. -Khordha, Bhubaneswar. It is further alleged that the Original Complainants, who claim to have purchased land in Plot No. 1274 in 1986, used a portion as an access road since then and accuse the appellant of encroaching upon this public thoroughfare during the Covid-19

lockdown by constructing a boundary wall and a "pucca" house, thereby obstructing essential services.

Further, the representative of BMC submitted that as per the Amin report, sketch map and comparative statement establishes that the possession area is more than the approved building Plan and the existing building may not be compoundable as per ODA Planning and Building Standard Rules, 2020.

Perused the prayer of the appellant, wherein it has been contended that, the impugned order vide Letter No- 7802/BMC, dated 20.02.2023 in UAP case No. 22/2021 has been passed without granting a reasonable opportunity to the appellant for hearing his submissions in the case.

After careful consideration of the submissions made by both the parties, this Court is of view that, based on the comparative statement and the Amin's site verification report, it is unequivocally established that the appellant's existing building significantly exceeds the approved building plan, thereby directly violating the setback requirements and other provisions of the ODA Planning & Building Standard (P&BS) Rules-2020. This unauthorized construction, including a boundary wall and a "pucca" house, further unlawfully obstructs a common road, impeding access for several residents and contravening established norms for public thoroughfares. Consequently, pursuant to Section 91(1) of the ODS Act, 1982, the construction is deemed unauthorized, illegal, and is liable for immediate demolition.

Accordingly, this Court upholds the order of the lower Court and the appeal petition is disallowed.

Urgent copy of this order be supplied as per Rules and be 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. 22765 /HUD., Date. 23-09-2025
Copy forwarded to the OSD (ODA Act), Bhubaneswar Municipal Corporation,
Bhubaneswar (odacourtmmc@gmail.com) for information and necessary action.


Desk Officer

Memo No. 22766 /HUD., Date 23-09-2025
Copy forwarded to Menaka Kumari Das, W/o- Amarendra Narayana Das, Laxmi
sagar, Near Haladi Padia, Bhubaneswar for information and necessary action.


Desk Officer

Memo No. 22767 /HUD., Date 23-09-2025
Copy forwarded to Gobinda Chandra Dash, S/o- Late Jadumani Dash/ Pramananda
Mohapatra, S/o- late Biranchidhi Mohapatra/ Kanakalata Rout, W/o Late Natabara Biswal/
Dharam Chandra Jaiswal, S/o- Late Sitila Prasad Jaiswal/ Rajesh kumar jaiswal, S/o- Late
Sitila Prasad Jaiswal/ Vinod Kumar Jaiswal, S/o- Late Sitila Prasad Jaiswal/ suresh Kumar
jaiswal, S/o- Late Sitila Prasad Jaiswal/ Pravudutta Dash, s/o- Abhaya kumar Das, all are
resident of Laxmi sagar, Near Haladi Padia, Bhubaneswar for information and necessary
action.


Desk Officer

Memo No. 22768 /HUD., Date. 23-09-2025
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