

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. 21 of 2025

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

Saroj Kanta Choudhury.....Appellant

-vrs-

CDA, Cuttack..... Respondent.

Order

Date 05.07.2025

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 Cuttack Municipal Corporation (CMC), the Law officer of Cuttack Development Authority (CDA), Cuttack is present.

This Memorandum of Appeal dated 18.01.2025 has been filed by Sri. Saroj Kanta Choudhary (aged about 70 years), S/o Late Bairagi Charan Choudhury, resident of Plot No.1C/66,Sector-9, Market Nagar, Dist.-Cuttack-14, 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.21/2025.

Heard the Parties.

The appellant filed this instant to set aside the impugned order dated 30.09.2024 passed by Vice Chairman, Cuttack Development Authority in U.C. Case Nos. 155/1999 and 176/2002 and communicated to the appellant vide letter No. 9907/CDA, Dt. 13.12.2024 on removal of encroached road land and unauthorized boundary wall erected by the appellant .

The allegation against the appellant is that, he has erected said unauthorized construction deviating the approved building plan i.e. southern side boundary wall 31'-10" x 0'-6"

bending towards Plot No. 1B/6, Sector-9 and encroached the road land by 0'-6" and 0'-9" towards front and left side road respectively

The Appellant submitted that, he was allotted the plot in 1996 and, after an unheeded application for demarcation in 1999, constructed his multi-storied residential structure within his own property. He further states that he already have regularized the deviation vide case No. BDP/R/1095/09 under the scheme for regularization of unauthorized construction by CDA on 29.01.2011.

During the course of hearing the Law Officer, CDA submitted that the boundary wall deviation of the existing building over plot No. 1B/6 and over the Government road land is completely unauthorized and liable for demolition.

After careful consideration of the submissions made by both the parties, this Court is of view that, the unauthorised construction made by the appellant is unauthorised and the encroachment of Government road land to be vacated immediately. Hence, this Court, upholds the order of the lower Court and CDA/ CMC are directed to act upon this order immediately. Further, the CMC and CDA are directed to examine similar encroachment in that area and take needful action to vacate any illegal encroachment over Government road land.

Accordingly, the appeal petition is Dismissed.

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. 20101 /HUD., Date. 26.08.2025

Copy forwarded to the Law Officer (i/c), CDA, Cuttack for information and necessary action.

26/8/25
Desk Officer

Memo No. 20102 /HUD., Date. 26.08.2025

Copy forwarded to Saroj Kanta Choudhury, S/o- Bairagi Charan Choudhury, At- Plot No. 1C/66, Sector-9, Markatnagar, CDA, Cuttack for information and necessary action.

26/8/25
Desk Officer

Memo No. 20103 /HUD., Date. 26.08.2025

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.

26/8/25
Desk Officer