

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.45 of 2024

(UAP Case-01/22)

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

Ganesh Chandra Mohanty.....Appellant

-VRS-

BMC, Bhubaneswar Respondent.

Order

Date 02.08.2025

The case record is put up today.

This proceeding taken up in person mode.

Ar. Baibhab Puhan and Ar. Shradhanjali Sahoo, Architecture appeared for the appellant are present. The representative of Bhubaneswar Municipality Corporation (BMC), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal dated 27.06.2024 has been filed by Sri Ganesh Chandra Mohanty, S/o- Late Judhisthira Mohanty resident of Sameigadia, P/o- Rasulghar, P.S- Mancheswar, Bhubaneswar, Dist- Khordha, Odisha- 751010 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. 45/2024.

Heard the Parties.

The appellant filed the instant appeal to set aside the impugned order dated 20.06.2024 passed by the Dy. Commissioner-A.O. (ODA Court) in UAP Case No. 01/22, on demolition of unauthorized constructions erected by the appellant.

The allegation against the appellant is that the appellant has erected an unauthorized construction of a G+1 RCC building and an AC-sheeted house over Plot No. 356/6110 and Plot No. 356/6111, Khata No. 1330/1754 under Mouza-Pandara (Chakeisiani), Tahasil- Bhubaneswar, Dist. Khordha, deviating the Planning and Building Standard Regulation

(P&BS) of the ODA Act, 1982. The lower court passed an order of demolition of the said unauthorized construction.

The appellant contended that the appellant, being the sole owner of the scheduled plots, each measuring Ac.0.0400 dec., had obtained building plan approval from BDA on 28.05.1997 for construction of a two-storied residential building over both plots. With the intention of constructing separate houses for his son and daughter, the appellant subsequently sought a second building plan approval exclusively for Plot No. 356/6111, which was granted by BDA on 08.12.2009, subject to stipulated parameters and payment of requisite dues. Pursuant thereto, construction was undertaken strictly in accordance with the approved plan.

The appellant further submitted that, the then existing AC-sheeted house over Plot No. 356/6111 was demolished, and a G+1 building was constructed in conformity with the sanctioned building plan dated 16.11.2024. Accordingly, the appellant prayed for dropping the present proceedings, contending that no unauthorized construction exists over the scheduled property.

The BMC submitted that the AC-sheeted house over the scheduled plot has been removed, and the appellant has obtained due approval for the existing structure, which now stands in accordance with the sanctioned plan.

In view of the facts and submissions advanced by both parties, and considering that the AC-sheeted house has already been removed and the appellant has obtained due approval for the existing structure, this Court finds no ground to continue with the proceeding. Accordingly, the case stands disposed of with the proceeding being dropped.

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. 20189 /HUD.,

Date. 26.08.2025

Copy forwarded to the DC-cum-AO (ODA Court), BMC, Bhubaneswar (email; odacourtbmc@gmail.com) for information and necessary action.


Desk Officer

Memo No. 20190 /HUD.,

Date 26.08.2025

Copy forwarded to Sri Ganesh Chandra Mohanty S/o Late Judhisthira Mohanty , Sameigadia, PO-Rasulgarh, Bhubaneswar-751010, Dist- Khurdha, Odisha for information and necessary action.


Desk Officer

Memo No. 20191 /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.


Desk Officer