

**IN THE COURT OF SRI DEBASIS SINGH, JOINT SECRETARY TO GOVERNMENT,
HOUSING AND URBAN DEVELOPMENT DEPARTMENT, ODISHA, BHUBANESWAR.**

(Appellate Authority under O.D.A. Act, 1982)

Appeal No.38 of 2022

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

Sri Prafulla Kumar JenaAppellant

-vrs-

BDA, Bhubaneswar Respondent.

Order

Date 04.05.2025

This proceeding is taken up in person mode.

Both the parties are present.

This Memorandum of Appeal has been filed under sub section-2 of Section-91 of the Odisha Development Authorities Act, 1982 by Sri Prafulla Kumar Jena- versus- BDA, Bhubaneswar & others challenging the order dt. 03.03.2021 in UAP Case No. 260 of 2015 passed by OSD, ODA Act, Bhubaneswar.

Heard Parties.

The Bhubaneswar Development Authority has raised an allegation against the appellant that, he has undertaken unauthorized construction of single storied residential RCC building over Plot No. 76(Pt.) under Mouza- Trahi Achuta Nagar, (Jhintيسان) without obtaining any prior building Plan approval from the competent Authority.

Perused the submission made by the appellant.

The submission made by the appellant is as follows:-

- i. The appellant had purchased a land over Plot No. 76(Pt.) in Mouza- Trahiachyuta Nagar (Jhintيسان), Tahasil-Balianta, P.S.- Balipatna in the year 1995 by way of a registered Sale deed.
- ii. The building in question has been constructed much prior to the inclusion of the said Mouza under the Jurisdiction of the BDA. Further since, the scheduled land was coming under the jurisdiction of Jhintيسان Gram Panchayat, the appellant has obtained building plan approval from the competent authority and erected his residential building.

During the course of hearing, the appellant has produced necessary supporting documents I.e the registered sale deed of the scheduled plot, which is also verified by BDA and found to be true.

After careful consideration of the submission made by both the parties, records presented during the course of hearing, there are reasons to believe that the building in question is constructed prior to inclusion of the said area in BDA.

In view of the above, the order of the lower court, is not sustainable and the appeal is allowed.

Accordingly, the case proceeding is dropped and BDA is directed to act upon this order immediately.

Sd/-

(Sri Debasis Singh)



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

Memo No. 22487 /HUD, Date 20.09.20

Copy forwarded to the Secretary, Bhubaneswar Development Authority (BDA), Bhubaneswar /OSD (ODA Act), Bhubaneswar Development Authority (BDA), Bhubaneswar/ Planning Member, Bhubaneswar Development Authority (BDA), Bhubaneswar for information and necessary action.

Desk Officer

Memo No. 22488 /HUD, Date 20.09.20

Copy forwarded to Sri Prafulla Kumar Jena, Plot No. 76(pt), Trahi Achyut Nagar, Jhinti sasan,, PS- Baliana, Dist- Khurdha for information and necessary action.

Desk Officer

Memo No. 22489 /HUD, Date 20.09.20

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