

**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. 21 of 2022

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

Smt. Annapurna KarAppellant

-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 Smt. Annapurna Kar- versus- BDA, Bhubaneswar & others challenging the order dt. 07.02.2020 passed by OSD, ODA Act, Bhubaneswar.

Heard Parties.

The Bhubaneswar Development Authority has raised an allegation against the appellant that, he has undertaken unauthorised construction of single storied residential RCC building over Plot No. 62/377 under Mouza- Trahi Achuta Nagar, (Jhintيسان) without obtaining any prior building Plan approval from the competent Authority.

The submissions made by the appellant are as follows:-

- i. The appellant had purchased a land measuring an area of Ac.0.040 dec. from Plot No. 62 out of total Plot area of Ac 0.520, under Khata No. 141, in Mouza- Trahiachyuta Nagar, (Jhintيسان), Tahasil-Balianta, P.S.- Balipatna in the year 2007 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 at the time of construction of the residential building.

During the course of hearing, the appellant has produced necessary supporting documents I.e Certified Telephone bill by BSNL for the relevant period in support of his stance, 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 is disposed of 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. 22518 /HUD, Date 20.09.25

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.

20/9/25
Desk Officer

Memo No. 22519 /HUD, Date 20.09.25

Copy forwarded to Smt. Annapurna Kar, Plot No.62/377, Trahi Achyut Nagar, Jhinti sasan,, PS- Baliana, Dist- Khurdha for information and necessary action.

20/9/25
Desk Officer

Memo No. 22520 /HUD, Date 20.09.25

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.

20/9/25
Desk Officer