

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.71 of 2024

(arising out of UPA case No. 234/2020)

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

Sambit Kar.....Appellant

-VRS-

BMC, Bhubaneswar Respondent.

Order

Date 05.07.2025

The case record is put up today.

This proceeding taken up in person mode.

The appellant is absent. The representative of Bhubaneswar Municipal Corporation (BMC), the representative of Bhubaneswar Development Authority (BDA), is present

This Memorandum of Appeal dated 23.12.2024 has been filed by Sri. Sambit Kar on behalf of Sri Late Radhanath Kar & Smt. Manorama Kar, resident of Plot No. 107, Manorama Estate Pvt. Ltd., Mz-Laxmisagar Bhubaneswar, Dist.-Khurdha 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. 234/2020.

Heard the Parties.

The appellant filed this instant appeal to set aside the impugned order dated 05.10.2024 passed by Deputy Commissioner-cum-AO, ODA Court, BMC in UAP case No. 234/20 and communicated to the appellant vide letter No. 42977/BMC, Dt. 21.10.2024 on removal of unauthorized construction erected by the appellant without any approved plan.

The allegation against the appellant is that the appellant has erected unauthorized construction of a G+4 RCC building over Plot No. 374, Mouza-Laxmi Sagar, Bhubaneswar, without any approved building plan and in violation of the regulations framed under the ODA

Act, 1982. The UAP case was instituted on the basis of a complaint filed by Smt. Rajani Rani Harichandan, who claimed that the aforesaid scheduled land, over which the building has been constructed, is recorded in her late mother's name, of whom she is the sole legal heir. However, the appellant, through M/s Manorama Properties Pvt. Ltd., has occupied the said plot and raised construction of an apartment in the name and style of "OKIL BAG ENCLAVE," in violation of the provisions of the ODA Act, 1982, and without any approved plan.

Further, despite multiple notices and opportunities to respond, including a Show Cause Notice, the appellant failed to provide any explanation or documentation establishing the legality of the construction. Owing to the appellant's continued non-compliance and non-participation in the proceedings, the Lower Court deemed the construction unauthorized and passed an order for its demolition.

The appellant has contended in his memorandum of appeal that the Lower Court neither conducted any field inquiry in support of the allegations nor afforded him sufficient opportunity to place his defence in the case.

After careful consideration of the submissions made by both the parties, this Court is of view that, the said construction erected by the appellant without any approved building plan and is in violation of the Planning and Building Standard Regulation framed under the ODA Act, 1982.

Hence, this Court, upholds the order of the lower Court and BDA/ BMC are directed to act upon this order immediately.

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. 22759 /HUD.,

Date. 23.09.2025

Copy forwarded to the OSD (ODA Court), Bhubaneswar Municipal Corporation(BMC), Bhubaneswar (odacourtbmc@gmail.com) for information and necessary action.

23/9/25
Desk Officer

Memo No. 22760 /HUD.,

Date 23.09.2025

Copy forwarded to Sambit Kar, S/o- Radhanath Kar resident of Plot No. 107, Manorama Estate Pvt. Ltd, Mz- Laxmisagar, Bhubaneswar, Dist- Khordha for information and necessary action.

23/9/25
Desk Officer

Memo No. 22761 /HUD.,

Date 23.09.2025

Copy forwarded to Rajani Rani Harichandan, W/o- mahendra Harichandan, At/Po- 138, Udaygiri Vihar Rd. Patrapada, Bhubaneswar-751019 for information and necessary action.

23/9/25
Desk Officer

Memo No. 22762 /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.

23/9/25
Desk Officer