

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.49 of 2024

(arising out of UPA case No. 41/22)

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

Sasmita Bhol.....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 Learned Advocate for the appellant is present, the representatives of Bhubaneswar Municipal Corporation (BMC), the representatives of Bhubaneswar development Authority (BDA), Bhubaneswar is present.

This Memorandum of Appeal dated 27.08.2024 has been filed by Smt. Sasmita Bhol (aged about 50 years), W/o Bikram Keshari Bhol, resident of Plot No. 13, Acharya Vihar, Ayush Hospital, PO-Acharya Vihar, PS-Sahid Nagar, Bhubaneswar 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.49/2024.

Heard the Parties.

The appellant filed this instant appeal to set aside the impugned order dated 10.10.2023 passed by Deputy Commissioner, ODA Court, BMC in U.A.P. Case No. 41/2022 and

communicated to the appellant vide letter No. 59272/BMC, Dt. 14.12.2023 on removal of unauthorized construction erected by the appellant.

The allegation against the appellant is that, the appellant has erected unauthorized construction G+2 RCC Building over Plot No.-3181, Khata No.-1067 under Mz- Pandara, Bhubaneswar by way of encroaching the land of Gangua Waternala (Public drainage) without any approved plan, in violation of BDA (Planning & Building Standard) Regulations.

The Learned advocate for the appellant submitted that, the building has been constructed over her own land without encroaching any Government property but conceded that no building plan has been obtained from the competent authority for construction of the said building. Further, he submitted that, similar numerous unapproved constructions exists in the same Zone and BMC is not taking any action against them and there is a discrepancy in the lower court's identification of the scheduled property.

After careful consideration of the submissions made by both the parties, this Court is of view that, the said construction has been erected without obtaining any building plan approval from the competent authority in deviation with the BDA (Planning & Building Standard) Regulations,. Further, BMC/ BDA are directed to remove the construction over Government land immediately.

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 disposed of.

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. 23686 /HUD.,

Date. 08.10.25

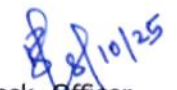
Copy forwarded to the OSD (ODA Court), Bhubaneswar Municipal Corporation (BMC), Bhubaneswar (odacourtbmc@gmail.com) for information and necessary action.


Desk Officer

Memo No. 23687 /HUD.,

Date 08.10.25

Copy forwarded to Smt. Sasmita Bhol, Plot No. 3181, Mz- Pandara, Ps- Mancheswar, Bhubaneswar, Dist- Khordha for information and necessary action.


Desk Officer

Memo No. 23688 /HUD.,

Date. 08.10.25

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.


Desk Officer