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**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.36 of 2024

(UAP Case No. 58/2023)

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

Smt. Smutirekha Dash.....Appellant

-VRS-

BDA, Bhubaneswar Respondent.

Order

Date 04.05.2025

The case record is put up today.

This proceeding taken up in person mode.

The Learned Advocate for the appellant is present, the representative of Bhubaneswar Municipal Corporation (BMC), the representative of Bhubaneswar development Authority (BDA), Bhubaneswar is present. Director of Town Planning is present.

This Memorandum of Appeal dated 15.04.2024 has been filed by Smt. Smrutirekha Dash (aged about 52 years), W/o Bijaya Kumar Dash resident of Plot No. 7723, Gadakana, Gajapati Nagar, Press Chhak, PO-Sainik School, 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.36/2024.

Heard the Parties.

The appellant filed this instant to set aside the impugned order dated 16.02.2024 passed by Deputy Commissioner-cum-AO, ODA Court, BMC and communicated to the appellant vide

letter No. 12743/BMC, Dt. 11.03.2024 on removal of unauthorized construction erected by the appellant without approved plan in Mouza-Gadakana. The allegation against the appellant is that, the appellant has erected unauthorized construction of AC sheeted house and shop rooms deviating Planning & Building Standard Regulation of ODA Act, 1982 without any valid approved plan over Plot No. 7723 of Khata No. 3649 in Mouza-Gadakana, Bhubaneswar. The representative of BMC submitted that, the scheduled land has been recorded under Government khata and the appellant is on adverse possession of Government land.

During the course of hearing the appellant admitted that, the structures including AC sheeted houses, shop rooms, and a home, were constructed by her predecessors much before the ODA Act came into force, and she along with her family, has been residing there without any alternative means of livelihood.

After careful consideration of the submissions made by both the parties, this Court is of view that, the said construction erected by the appellant is unauthorized and on Government land.

Hence, this Court, uphold the order of the lower Court and BDA/ BMC are directed to act upon this order immediately. Further, the BMC and BDA are directed to examine similar encroachment in that area and take needful action to vacate any illegal encroachment over Government land.

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)

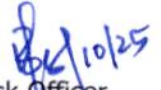


GOVERNMENT OF ODISHA
HOUSING & URBAN DEVELOPMENT DEPARTMENT
3RD FLOOR, KHARAVEL BHAWAN, BHUBANESWAR, PIN-751001

Memo No. 23689 /HUD.,

Date. 08.10.25

Copy forwarded to the OSD (ODA Act), Bhubaneswar Development Authority, Bhubaneswar/ OSD, ODA Act, BMC, Bhubaneswar (odacourtmmc@gmail.com) for information and necessary action.


Desk Officer

Memo No. 23690 /HUD.,

Date 08.10.25

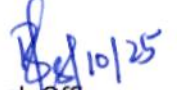
Copy forwarded to Smt. Smrutirekha Dash, aged about 52 years, W/o- Bijaya Kumar Dash, At- Plot No. 7723, Gadakana, Gajapati nagar, Press Chhak, PO- Sainik School, PS- Maitrivihar, Bhubaneswar, Dist- Khordha, for information and necessary action.


Desk Officer

Memo No. 23691 /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