

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. 55 of 2024

(Arising out of UAP case No. 35/2021)

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

Ramachandra Bhoi.....Appellant

-VRS-

BMC, Bhubaneswar Respondent.

Order

Date 21.06.2025

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.

This Memorandum of Appeal dated 21.10.2024 has been filed by Sri. Ramachandra Bhoi (aged about 74 years), S/o Late Antaryami Bhoi, resident at E/211,BDA Colony, Mouza-GGP, PS-Mancheswar, Bhubnaeswar 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.55/2024.

Heard the Parties.

The appellant filed this instant to set aside the impugned order dated 21.09.2024 passed by OSD, ODA Court, BMC in U.A.P. Case No. 35/2021 and communicated to the appellant vide letter No. 38989/BMC, Dt. 21.09.2024 on removal of unauthorized construction erected by the appellant in Mouza-GGP, Mancheswar.

The allegation against the appellant is that, the appellant has undertaken unauthorized construction by encroaching adjacent Govt. Land over Plot No. L/211, BDA Colony, Mouza-GGP, Mancheswar, Bhubnaeswar.

The appellant submitted that, he is the rightful owner of the scheduled property having obtained the sale deed from BDA in 1996, following an earlier agreement in 1987. Further, The appellant submitted that, following the GGP colony's association application to regularize the minor extension of their respective houses, BDA had passed an order dt. 09.08.1996, allowing a minor extension to the applicants house with the condition that, to plant at least five fruit-bearing trees/flower plants. The appellant asserts that, he has complied with this condition and been residing as such until a suit was filed by One Chittaranjan Das against BDA , BMC and other colony members alleging encroachment of the public sewerage and playground.

The representative of BMC submitted that, show cause submitted by the appellant in the lower Court was found to be unsatisfactory. Considering The Amin's site report and Scheme's Model Plan, the lower court found clear violation of the Planning & Building Standard norms of ODA Act, 1982

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 liable to be demolished. Hence, this Court, upholds the order of the lower Court and BDA/ BMC are directed to act upon this order immediately. Further, BDA/BMC are directed to take necessary steps for removal of any similar unauthorised construction in the said area.

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. 28695 /HUD.,

Date. 08.10.25

Copy forwarded to the OSD (ODA Act), Bhubaneswar Municipal Corporation, Bhubaneswar (odacourtbmc@gmail.com) / City Planner, Bhubaneswar Municipal Corporation, Bhubaneswar for information and necessary action.


Desk Officer

Memo No. 23696 /HUD.,

Date 08.10.25

Copy forwarded to Ramachandra Bhoi, aged about 74 years, S/o- late antaryami Bhoi, residing at E-211, BDA Colony Mouza- GGP colony, Mancheswar, Bhubaneswar, Khurdha for information and necessary action.


Desk Officer

Memo No. 23697 /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