

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.43 of 2024

(arising out of UPA case No. 42/2022)

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

Smt. Kanchanbala Samantaray.....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 representative of Bhubaneswar Development Authority (BDA), Bhubaneswar [Respondent] is present. Director of Town Planning is present.

This Memorandum of Appeal dated 06.07.2024 has been filed by Smt. Kanchanabala Samantaray (aged about 65 years), W/o Ramachandra Samantaray, resident of Plot No.853/1162, Mouza- Bomikhal, Chandimata Colony, Lane-II, PS- Mancheswar, Bhubaneswar, Dist-Khurda, Odisha, 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.43/2024.

Heard the Parties.

The appellant filed the instant appeal to set aside the impugned order dated 30.04.2024 passed by Planning Member, Bhubaneswar Development Authority in UAP No. 42/22 and communicated to the appellant vide letter No. 20599/BMC, Dt. 10.05.2024 over demolition of an unauthorized construction.

The allegation against the appellant is that the appellant has erected an unauthorized construction of G+1 RCC building over the Plot No.853/1162, Mouza- Bomikhal, Chandimata

Colony, Bhubaneswar, deviating the Planning and Building Standard Regulations (P&BS) of the ODA Act, 1982.

During the course of hearing, the representative of BDA submitted that, the building layout plan permission was granted for 5 numbers G+1 storied duplex buildings over Plot Nos. 853/1240, 853/1168, 853/1162, and 853 (P) of Mouza-Bomikhal in favour of Smt. Kanchanbala Samantaray, Smt. Suchitra Mulia, and Bandana Rout, represented through their GPA holder, Sri Chittaranjan Mohanty. However, 6 numbers of G+1 duplex residential buildings were constructed unauthorizedly, without obtaining individual approved plans.

During the course of hearing, the husband of the Appellant submitted that, as the owner of the scheduled plot, she entered into an agreement with M/s Scot Willson Construction Pvt. Ltd. (represented by Chittaranjan Mohanty) to develop her land and construct a duplex over it. She had also executed a General Power of Attorney (GPA) in favour of Chittaranjan Mohanty where the agreement provided an 18-month deadline from the sanction of the Building Plan for completion of construction, for which a Building Plan was sanctioned by BDA vide Letter No. 24273 dated 24.06.2013. However, the builder failed to complete the construction within the stipulated time and left only a core house structure. It was further submitted that she had appointed the builder for efficient execution and was unaware of the builder's false GPA, the unauthorized construction was carried out without her knowledge.

After careful consideration and a thorough review of the arguments presented by both parties, this Court is of the opinion that the construction has been made in deviation from the Planning and Building Standard Regulations of the ODA Act, 1982, and is therefore liable for demolition.

In view of the above, the case 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. 23701 /HUD.,

Date. 08.10.25

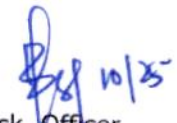
Copy forwarded to the OSD (ODA Court), Bhubaneswar Municipal Corporation (BMC), Bhubaneswar (odacourtbmc@gmail.com) for information and necessary action.


Desk Officer

Memo No. 23702 /HUD.,

Date 08.10.25

Copy forwarded to Smt. Kanchanbala Samantaray, W/o- Ramachandra Samantaray, resident of Plot No. 853/1162, Mz- Bomikhal, Chandimata Colony, Mancheswar, Bhubaneswar, Dist- Khordha for information and necessary action.


Desk Officer

Memo No. 23703 /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