

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. 41 of 2024

(UAP Case No. 50/2022)

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

Abhimanyu Sahu.....Appellant

-VRS-

BMC, Bhubaneswar Respondent.

Order

Date 13.06.2025

The case record is put up today.

This proceeding taken up in person mode.

Both the parties are present.

This Memorandum of Appeal dated 01.07.2024 has been filed by Sri Abhimanyu Sahu (aged about 65 years), S/o Shri Arjun Sahu resident of Plot No. 9022, Gadhakana, P.S- Mancheswar, Bhubaneswar, Dist.- Khordha, 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.41/2024.

Heard the Parties.

The appellant filed the instant to direct to set aside the order dated 02.05.2024 passed by AO-cum- Deputy Commissioner, BMC in UAP No.50/22 and communicated to the appellant vide letter No. 20597/BMC, Dt. 10.05.2024 for demolition of the unauthorized construction developed by the appellant.

The allegation against the appellant is that the appellant has undertaken unauthorized construction of a G+1 building on Plot No. 9022, Khata No. 169 under Mouza- Gadakana, Bhubaneswar deviating the approved building plan and in violation of the Planning and Building Standard Regulations of Odisha Development Authority Act, 1982.

The appellant in his memorandum of appeal has submitted that, he has obtained necessary building plan approval from the Planning Member, BDA for a double-storied

building over the above plot vide No. 5695, dated 06.06.1992. Accordingly, he constructed the scheduled building following all the norms prescribed under the ODA (P&BS) Rules, without any deviation from the approved building plan. In support of this, the appellant submitted the relevant documents proving rightful ownership of the scheduled land along with the approved building plan.

During the course of hearing, the representative of BMC submitted that a show-cause notice was issued to the appellant based on a complaint from one K.C Sahu regarding the alleged unauthorized construction. Upon appearance, the appellant submitted his show cause along with the ROR and the approved building plan in the lower court. Based on the comparative statement submitted by the Planning Assistant, amin's report and the sketch map of the said structure, the lower court found clear deviations in the rear (10 inches), left (3 feet 2 inches), and right (6 feet 0 inches) sides of the building, and pronounced it as unauthorized construction.

During the course of the hearing, the appellant admitted that deviations had been made and that the similar deviations also had been made by other residents in the area.

After careful consideration of the submissions made by both parties, this Court is of the view that, as there is clear deviation as per the amin's report, sketch map and the comparative statement of the Planning Assistant, which is not compoundable. Hence, this court upholds the order of the lower court. The BMC is directed to act upon the order immediately. Further, BMC is directed to initiate UAP cases for similar unauthorized construction in that area.

Accordingly, this appeal 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. 23742 /HUD.,

Date. 09.10.25

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

Bg/10/25
Desk Officer

Memo No. 23743 /HUD.,

Date 09.10.25

Copy forwarded to Sri Abhimanyu Sahu, aged about 65 years, S/o- Arjun Sahu, Plot No. 9022, Gadakana, PS- Mancheswar, Bhubaneswar, Dist- Khurda for information and necessary action.

Bg/10/25
Desk Officer

Memo No. 23744 /HUD.,

Date. 09.10.25

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.

Bg/10/25
Desk Officer