

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.42 of 2024

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

Sri Bhagaban Khuntia.....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), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal dated 01.07.2024 has been filed by Sri Bhagaban Khuntia (aged about 76 years), S/o Jayram Khuntia, resident of Plot no. 9029, Gadhakana, P.S- Mancheswar , Bhubaneswar-10, 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.42/2024.

Heard the Parties.

The appellant filed the instant to direct to set aside the impugned order dated 09.05.2024 passed by AO-cum- Deputy Commissioner, BMC in UAP No.48/22 and communicated to the appellant vide letter No. 20740/BMC, Dt. 13.05.2024 in respect of 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 RCC building on Plot No. 9029, Khata No. 169 under Mouza-Gadakana, Bhubaneswar deviating the approved building plan and in violation of the Building Standard Regulation the Odisha Development Authority Act, 1982.

The appellant submitted that, he has obtained the building Plan for the construction of a double-storied building over the above plot, which was earlier known as Plot No. 4774/4973, area 4343 Sq. ft. from BDA vide letter No. 49/BP/BDA dated 08.01.1992 Following the approved plan, the Appellant commenced and completed the construction without any deviation. The Appellant asserts that, he has submitted the relevant documents along with the photocopy of the approved building plan in support of being the rightful absolute owner of the scheduled property bearing Khata No. 169, Plot No. 9029, Area 0.100 dec., Kissam-Gharabai under Mouza-Gadkana, P.S-Mancheswar, Bhubaneswar, Dist-Khordha.

After careful consideration of the submissions made by both the parties, this Court is of view that, as there is a clear deviation as per the comparative statement submitted by the Planning Assistant, which are not compoundable as per the P & BS regulations of ODA Act.,

Hence, this Court upholds the order dated 09.05.2024 passed in UAP No. 48/22 by the BMC, Bhubaneswar.

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. 23745 /HUD.,

Date. 09.10.25

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


Desk Officer

Memo No. 23746 /HUD.,

Date 09.10.25

Copy forwarded to Bhagaban Khuntia, aged about 76 years, S/o- Jayram Khuntia, Plot No. 9029, Gadhakana, PS- Mancheswar, Bhubaneswar, Dist- Khurdha for information and necessary action.


Desk Officer

Memo No. 23747 /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.


Desk Officer