

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.26 of 2024

Under Section 18 (1) of the O.D.A. Act., 1982

Sri Shyam sundar Hansdah.....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 Development Authority (BDA), Bhubaneswar [Respondent] is present. Director of Town Planning is present.

This Memorandum of Appeal dated 27.03.2024 has been filed by Sri Shyam Sundar Hansdah (aged about 70 years), S/o Late Pitha Charan Hansdah, resident of Plot no. 321/2571/2586, Khata No.- 780/3 in Mouza, Patrapada under sub-section (1) of Section- 18 of the Odisha Development Authorities Act, 1982, [here in after referred to as "the Act"] registered as TP Appeal No.26/2024.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 19.10.2023 passed by Planning Member, Bhubaneswar Development Authority and communicated to the appellant vide letter No. 43831/BDA, Dt. 19.10.2023 on revocation of building plan approval granted in favour of the appellant under section 16(3) of Odisha Development Authority Act, 1982.

The allegation against the appellant is of misrepresentation of facts before the Planning Member, BDA while obtaining building plan for the scheduled building. The appellant has submitted application for obtaining building plan for construction of G+2 storied Business office &

Staff Rest room building over Plot No. 321/2571/2586, Khata No. 780/3 under Mouza- Patrapada along with the documents establishing ownership of the said land in favour of the appellant. On verification, it is found that, the said land stands recorded in Government Khata. No. 780 under Mouza- Patrapada and being aware of the record position, the appellant is occupying the land unauthorisedly by way of constructing building and boundary wall for commercial use without any right, title and interest over the land.

Perused the prayer of the appellant wherein it has been contended that, the impugned order dated 19.10.2023 has been passed without granting a reasonable opportunity to the appellant for hearing his submission in the case. Further he submitted that, the scheduled land was possessed by the appellant from One Sri Kirtan Charan Jenamani, S/o-Birabhadra Jena by way of sale deed registry on 09.02.2011. After that the appellant constructed his house over the scheduled land and applied for regularisation of the construction before Bhubaneswar Development Authority. After proper verification the authority granted necessary permission for regularisation of the existing building vide Letter No. 1031/BPRUC-399/2020/BDA, dated 08.01.2021 under 'Scheme for Regularisation of Unauthorised Construction-2019". In the meanwhile, the appellant was served a notice by BDA to show cause on misrepresentation/suppression of fact regarding the right, title and interest over the land. The appellant filed his show cause on dated 02.08.2023 before the authority but the authority without considering his prayer and granting a reasonable opportunity to the appellant revoked the approved building plan vide impugned order No. 43831/BDA dated 19.10.2023.

After careful consideration of the submissions made by both the parties, this Court is of view that, the report submitted by Tahasildar, Bhubaneswar confirms that, the land in question is recorded in Government khata and the lessees are occupying it unauthorisedly and the appellant have suppressed the facts before the Planning Member, BDA while obtaining building plan for the scheduled building. Any illegal construction over the Government land is liable to be demolished.

Hence this court upheld the order of the lower court and BDA is directed to act upon the order immediately.

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)

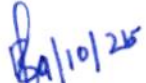


GOVERNMENT OF ODISHA
HOUSING & URBAN DEVELOPMENT DEPARTMENT
3RD FLOOR, KHARAVEL BHAWAN, BHUBANESWAR, PIN-751001

Memo No. 23751 /HUD.,

Date. 09.10.25

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


Desk Officer

Memo No. 23752 /HUD.,

Date 09.10.25

Copy forwarded to Sri Shyam sundar hansdah, aged about 65 years, S/o- late Plot No. 181, Dharma Vihar, Khandagiri, Bhubaneswar for information and necessary action.


Desk Officer

Memo No. 23753 /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