

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. 34 of 2024

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

Suryakanta Pany.....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 27.05.2024 has been filed by Sri Surya Kanta Pany (aged about 48 years), S/o Shri Krushna Chandra Sahoo, resident of Plot No. 4785, Chakeisihani, Rasulgarh, Khordha, Bhubaneswar, Dist.- Khordha, Odisha-751010 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.34/2024.

Heard the Parties.

The appellant filed the instant appeal to direct to set aside the order dated 07.03.2024 passed by AO-cum-Deputy Commissioner, BMC in UAP No.31/22 and communicated to the appellant vide letter No. 20742/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 committed unauthorized construction of RCC Building over Plot No. 9020 (HAL Plot No. 9020/12969) under Mouza-

Gadakan, Near Mangala Mandir, Po-Rasulgarh, Bhubaneswar without obtaining any approved building plan and by violating the Planning and Building Standard Regulations of the Odisha Development Authorities (ODA) Act, 1982. The representative of BMC emphasized on the order dated 07.03.2024 passed in UAP No. 31/22 and submitted that, the appellant continued construction despite the interim stop construction order, treating it as unauthorized and illegal. As a result of the findings, the Lower Court has passed the demolition order of the unauthorized RCC building.

The appellant in his appeal memorandum has submitted that, he have two plots purchased i.e. Plot No. 9019 and 9020/12969, where he was unable to get an approved plan for Plot No. 9020/12969 (which was recorded as "Jalasaya"). He expressed readiness to regularise the said building by depositing the requisite fees if any amnesty scheme come into force in future.

After careful consideration of the submissions made by both the parties, this Court is of view that, since no amnesty scheme is in force, the appellant's plea to consider his case in any amnesty scheme in future by depositing requisite fees is not sustainable in the eyes of Law. This Court noted that the appellant himself admitted the unauthorized and illegal construction in his Show Cause Reply submitted to the Lower Court.

Hence, this court upholds the order dated 07.03.2024 passed in UAP No. 31/22 by the BMC, Bhubaneswar and BDA/ BMC are directed to act upon this 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. 23754 /HUD.,

Date. 09.10.25

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


Desk Officer

Memo No. 23755 /HUD.,

Date 09.10.25

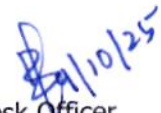
Copy forwarded to Surya Kanta Pany, aged about 48 years, S/o- Krushna Chandra sahu, residing at- Plot no. 4785, Chakeisihani, rasulgarh, Khordha, Odisha, 751010 for information and necessary action.


Desk Officer

Memo No. 23756 /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