

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. 48 of 2024

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

Debendra RayAppellant

-vrs-

BMC, Bhubaneswar Respondent.

Order

Date 13.06.2025

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 10.08.2024 has been filed by Sri Debendra Ray (aged about 82 years), S/o Dolagobinda Samantashara , resident of N-4/237, PS-Nayapalli, Jayadev Vihar, Bhubaneswar-751013 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.48/2024.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 18.09.2023 passed by The City Planner, Bhubaneswar Municipal Corporation and communicated to the appellant vide letter No. 44673/BDA, Dt. 18.09.2023 on refusal of permission under provisions of the Scheme for Regularisation of Unauthorised Construction, 2019 (SRUC-19).

It is seen that the genesis of the dispute lies in the appellant's application for regularisation of his G+4 storied building constructed over Plot No. GA-N-4/237, under Mouza-Nayapalli, Jayadev Vihar, Bhubaneswar, submitted under the provisions of the Scheme for Regularisation of Unauthorised Construction, 2019, registered as File No. BPRUC-0028/2020. Pursuant to the said application, a site inspection was conducted, during which certain deviations from the approved plan were observed. Accordingly, the appellant was issued Letter No. 32578, dated 10.07.2023,

directing him to rectify the deficiencies noted by the BMC. However, due to non-compliance, the BMC rejected the appellant's application for regularisation.

The learned advocate for the appellant submitted that the impugned order dated 18.09.2023 was passed without affording the appellant a reasonable opportunity of being heard. It was further submitted that a prior building plan for a B+G+2 storied structure over the same plot had already been approved vide Letter No. 7798/BMC dated 03.10.2015, and that the appellant now seeks regularisation of a G+4 storied building over the same property.

During the course of hearing, the BMC submitted that the present structure is not compoundable under the provisions of SRUC-19 and can only be considered for regularisation if the appellant submits a revised plan duly modifying the existing structure. In response, the learned advocate for the appellant submitted that the absolute owner of the said property has not issued any instruction regarding any structural alteration, and therefore, no further submission could be made at this stage against the contention of the BMC.

After careful consideration of the facts and submissions of both parties, this Court observes that the deviation made by the appellant is not compoundable under SRUC-19, and since the appellant is unwilling to alter the existing structure or submit a fresh proposal for regularisation, this Court finds no reason to interfere with the decision of the lower authority. Accordingly, this appeal disallowed.

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. 25969 /HUD.,

Date. 29.10.25

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


Desk Officer

Memo No. 25970 /HUD.,

Date 29.10.25

Copy forwarded to Debendra Ray, S/o- Dolagobinda Samantasinghara, resident of plot No. N- 4/237, PS- Nayapalli, jaydev Vihar, Bhubaneswar, Dist- Khordha for information and necessary action.


Desk Officer

Memo No. 25971 /HUD.,

Date. 29.10.25

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