

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.02 of 2024

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

Babu Singh.....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 09.04.2024 has been filed by Sri Babu Singh (aged about 51 years), S/o Sri Gangadhar Pradhan, resident of Plot No. C/39, Ground floor, Palashpalli, Bhubaneswar-751020 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.02/2024.

Heard the Parties.

The appellant filed the instant appeal to set aside the impugned order dated 28.02.2022 passed by Bhubaneswar Development Authority and communicated to the appellant vide letter No. 7750/BDA, Dt. 28.02.2022 on refusal of building plan as per the provisions enshrined under of the Scheme for Regularization of Unauthorized Constructions, 2018/2019 [here in after referred to as "SRUC"].

The BDA submitted that, the appellant has submitted application in incomplete shape for regularization of S+4 storied residential building over Plot No. 1105, G.A. plot No. 60 under Mouza- Madhusudan Nagar, Bhubaneswar under the Scheme for Regularization of Unauthorized Construction, 2018/2019, wherein the applicant has not submitted the required fee balance scrutiny & compounding fee and the revised building plan of the structure.

During the course of hearing the learned advocate for the applicant submitted that, the impugned order dated 28.02.2022 has been passed without granting a reasonable opportunity to the appellant for hearing his submission in this case and sufficient opportunity may be given to submit the requisite fees for regularisation of the aforesaid structure.

After careful consideration of the submissions made by both parties, this Court observes that the BDA is lacking in providing the opportunity to the petitioner and abruptly rejected the application for regularization under SRUC-2019 of the said property.

In view of the above the case is remanded back to BDA for disposal as per law, taking into consideration the provisions enshrined under SRUC.

Accordingly, the appeal petition is disposed of.

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. 23092 /HUD.,

Date. 25.09.25

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


25/9/25
Desk Officer

Memo No. 23093 /HUD.,

Date 25.09.25

Copy forwarded to Babu Singh, S/o- Sri Gangadhar Pradhan, Plot no. C/39, Ground Floor, Palashpalli, Bhubaneswar-751020 for information and necessary action.


25/9/25
Desk Officer

Memo No. 23094 /HUD.,

Date. 25.09.25

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.


25/9/25
Desk Officer