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**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. 49 of 2008

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

Sri Kshetramohan Mohapatra.....Appellant

-VRS-

BDA, Bhubaneswar Respondent.

Order

Date 19.07.2025

The case record is put up today.

This proceeding taken up in person mode.

The appellant is present, the representative of Bhubaneswar Development Authority (BDA), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal dated 06.05.2008 has been filed by Sri Kshetramohan Mohapatra, S/o Late Lokanath, resident of Plot no.-3904(pt.) ,Baliapata Basti, Mouza-Pandara, Bhubaneswar, Dist- Khurdha 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.49/2008.

Heard the Parties.

The appellant filed the instant appeal to set aside the impugned order dated 13.05.2008 passed by Bhubaneswar Development Authority in UAP No. 148 of 2008 and communicated to the appellant vide letter No. 1309/ Enf./ BDA, Dt.16.04.2008 for removal of the unauthorized/deviated construction undertaken.

The allegation against the appellant is that, the alleged unauthorized construction of ACC roofed house undertaken by way of encroaching the Government land bearing Plot No. 3904 (pt.) in Mz-Pandara, Bhubaneswar, which even comes under flood prone area.

The appellant conceded with the allegation made by the BDA during the course of hearing.

Considering the facts and submission made by both the parties , this court is of view that, the said construction erected by the appellant is in deviation of the Planning and Building Standard Regulation of ODA Act, 1982 and found to be unauthorizedly constructed by way of encroaching Government land in a flood prone area. Hence this court is not inclined to interfere with the order passed by the lower court.

Accordingly appeal is 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. 23102 /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. 23103 /HUD.,

Date 25.09.25

Copy forwarded to Sri Kshetramohan Mohapatra, S/o Late Lokanath, resident of Plot no.-3904(pt.) ,Baliapata Basti, Mouza-Pandara, Bhubaneswar, Dist- Khurdha for information and necessary action.


25/9/25
Desk Officer

Memo No. 23104 /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