

BY SPEED POST

**IN THE COURT OF SRI GANGADHAR NAYAK, SPECIAL SECRETARY TO
GOVERNMENT, HOUSING AND URBAN DEVELOPMENT DEPARTMENT, ODISHA,
BHUBANESWAR.**

(Appellate Authority under O.D.A. Act, 1982)

Appeal No. 03 of 2021

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

Sabir Khan.....Appellant

-vrs-

CDA, Cuttack Respondent

Date 12.09.2025

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 Cuttack Development Authority (CDA), Cuttack [Respondent] is present.

This Memorandum of Appeal dated 01.02.2021 has been filed by Sri Sabir Khan, resident of Vill-Mehendipur, PS-Lalbag, Cuttack, Odisha 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. 03/2021.

Heard the Parties.

The appellant has filed the instant appeal seeking to set aside the impugned order passed by the Law officer, CDA on dtd 16.12.2020, communicated vide letter No. 23/CDA dtd 05.01.21 in UC case No. 90/2019, directing demolition of the unauthorized construction allegedly erected by the appellant.

The representative of CDA submitted that the proceeding was initiated on receipt of multiple complaints from the inhabitants of the locality, namely Taher Khan and others, alleging that the appellant had erected an unauthorised ground floor structure over Plot No. 192/8346, Khata No. 461/12 of Mouza-Nayasarak, Cuttack Sadar, Unit-14, by encroaching upon the adjoining road land belonging to the CMC, Cuttack. Upon examination of the Amin Report dated

03.06.2019 along with the sketch map appended thereto, it came to the notice of the Authority that the building had been constructed without obtaining prior approval from the competent authority and that the construction encroached upon public road land measuring approximately 2'-0" x 32'-0", belonging to the CMC, thereby causing serious inconvenience to the public. Relying on these findings, the learned lower authority passed the impugned order directing demolition of the unauthorised construction.

The Law Officer, CDA, further submitted that a communication was issued to the appellant vide Letter No. 8262 dtd 22.06.2019, served through a special messenger, directing stoppage of unauthorized construction beyond the approved building plan in respect of the structure over Plot No. 192/8346, Khata No. 461/12 of Mouza-Nayasarak, Unit-14, Cuttack Sahar. However, the appellant paid no heed to the said direction.

Per contra, the learned Advocate for the appellant contended that the building in question is an old residential structure which has existed for a considerable period and was originally constructed by the appellant's late father, Aslam Khan. The appellant, being the lawful heir, has been residing therein since the time of his forefathers. Further it was submitted that the work undertaken by the appellant was limited to repairs and renovation of the existing structure, which had become dilapidated, and that no new or unauthorized construction was carried out over the scheduled plot.

After careful consideration of the submissions advanced by both parties, this Court is of the view that the construction erected by the appellant is unauthorised, having been carried out without prior permission from the CDA and in clear violation of the prescribed building norms and regulations. Further, the construction encroaches upon public road land measuring approximately 2'-0" x 32'-0", belonging to the CMC, thereby causing inconvenience to the general public, and is liable to be demolished forthwith.

Hence, this Court upholds the order of the lower authority, and the CDA/CMC are directed to act upon this order immediately. The CDA and CMC are further directed to examine similar encroachments in the locality and to remove any illegal encroachment over Government land in accordance with law.

Accordingly, the appeal petition is disallowed.

Urgent copy of this order be supplied as per Rules and be uploaded in the Department website.

Sd/-

(Sri Gangadhar Nayak)



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

Memo No 30326 /HUD., Date 15.12.2025

Copy forwarded to the Planning Member, Cuttack Development Authority (CDA), Cuttack for information and necessary action.

[Signature]
15/12/2025
Desk Officer

Memo No 30327 /HUD., Date 15.12.2025

Copy forwarded to Sabir Khan, S/o-Late Aslam Khan/ Taher Khan, S/o-Ujir Khan/ Nishar Khan, S/o Late Baisir Khan/ Sajid Mohammed, S/o- Gulzar Mohammed all are resident of Mehendipeer (Sunadeigali), Po-Chandinichowk, PS-Lalbag, Dist-Cuttack for information and necessary action.

[Signature]
15/12/2025
Desk Officer

Memo No 30328 /HUD., Date 15.12.2025

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.

[Signature]
15/12/2025
Desk Officer