

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.30 of 2025

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

Rama Chandra Das.....Appellant

-vrs-

CMC, Bhubaneswar Respondent.

Order

Date 16.08.2025

The case record is put up today.

This proceeding taken up in person mode.

The appellant is present, the representative of Cuttack Municipal Corporation (CMC),
Cuttack [Respondent] is present.

This Memorandum of Appeal dated 04.06.2025 has been filed by Sri Rama Chandra Das,
S/O Late Bholanath Das, At-Old Rausapatna, PS-Purighat, PO-Buxibazar, Dist-Cuttack-
753001, 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.30/2025.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 05.04.2024 passed
by CMC in UC Case No. 09/2024 passed by CMC, Cuttack on closing of UAP case.

The Appellant, Rama Chandra Das, as one of the legal heirs of the recorded Marfatdar of
the Deity Sri Radha Gobinda Jew, submitted before this Court that the unauthorized
construction of a commercial rental units on the Deity's land over Plot Nos. 184 and
183/2457, Khata No. 383, Mz-Cuttack Sahar has been erected by Pratap Chandra Das
(Respondent No. 2) by misutilizing government funds sanctioned for a Prayer Hall, instead
constructing a commercial rental units without a valid building plan from the Cuttack
Development Authority (CDA), despite initiating an U.C. Case vide No. 09/2024, the CMC

closed the proceeding on 05.04.2024 in a summary manner, without conducting a proper field inquiry or providing a fair hearing.

The Appellant further contends that as the son of a recorded Marfatdar of the Deity Sri Radha Gobinda Jew, he is a legal custodian of the property under the Odisha Hindu Religious Act, 1951, and thus has a direct interest in its protection. He asserts that the District Planning and Monitoring Unit (DPMU), Cuttack, illegally sanctioned Rs. 20.5 Lakhs to Respondent No. 2 who has misutilized these public funds to construct unauthorised commercial rental houses without prior approval of CDA, causing obstruction to the public passage.

The representative of CMC submitted that Respondent No. 2, as the village head and custodian of the deity property, maintained that the deity is a perpetual minor and that the disputed construction is a lawful, government-backed development project. Further CMC, submitted that the work was executed by the Government using Critical Gap Fund assistance and not as a private or unauthorized encroachment serving the needs and sentiments of the local community and upon consideration of these submissions and the Record of Rights (ROR), the CMC, found no grounds to proceed further and accordingly closed the case on 05.04.2024.

After careful consideration of the submissions made by both parties, this court is of the view that since the property belongs to a religious deity and the alleged unauthorized construction is without any permission from the competent authority causing serious suffering to the general public.

Hence the case is remanded back to CMC for reconsideration to ensure a proper fair hearing in the matter as per law for all concerned.

Accordingly, appeal 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. 137 /HUD.,

Date. 02.01.20

Copy forwarded to UC Court, CMC, Cuttack information and necessary action.


Desk Officer

Memo No. 138 /HUD.,

Date 02.01.20

Copy forwarded to Rama Chandra Das, S/o- Late Bholnath Das, at- Old Rousapatana, PS- Purighat, PO.- Buxibazar, Dist—Cuttack for information.


Desk Officer

Memo No. 139 /HUD.,

Date 02.01.20

Copy forwarded to Pratap Chandra Das, S/o- Late Mahendra Das/ Basanta Kumar Sen, S/o- Late Bhagirathi Se/ jyotish Chandra Das, S/o- late Bishnu Charan Das/ Surendra Mishra, S/o- Shyamasundar Mishra/ Sibannath Sen, S/o- late Golak Sen all are resident of Old Rousapatana, PS- Purighat, PO.- Buxibazar, Dist—Cuttack for information and necessary action.


Desk Officer

Memo No. 140 /HUD.,

Date. 02.01.20

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