

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.70 of 2009

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

Prasanna Kumar Panda..... Appellant

-vrs-

BDA, Bhubaneswar Respondent.

Order

Date 29.03.2025

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.

This Memorandum of Appeal dated 19.19.2009 has been filed by Sri Prasanna Kumar Panda (aged about 54 years), S/o Late Kuber Panda, resident of S-3-667 & 668 (G.F & FF), Niladri Bihar, Chandrasekharapur, Phase-II, Bhubaneswar, 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. 70/2009.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 23.07.2009 in UAP case No. 971/2008 passed by the OSD (ODA Act), BDA and communicated to the appellant vide letter No. 4450/BDA, Dt. 06.08.2009 for demolition of the alleged unauthorized construction erected by the appellant.

The representative of BDA submitted that the appellant has undertaken an construction of G+2 storied building over House No. S-3-667 & 668 (G.F & FF), Niladri Bihar, Chandrasekharapur, Phase-II, Bhubaneswar without any valid building approved plan of BDA

over the vacant land and the structure over the first floor over the scheme house. Since the scope of the Amnesty scheme has been closed and the appellant has also made some structure over Government land there is no scope for regularisation of the unauthorised construction.

The appellant, Sri Panda, appeared before this Court and conceded with the allegation made by BDA. Further he prayed for granting him opportunity to regularise his unauthorised construction over his original structure and by removing the encroachment over Government land.

After careful consideration of the submissions made by both the parties, this Court is of the view that the construction erected by the appellant is unauthorized, having been carried out without prior permission from the BDA and in violation of established building norms and regulations. Further, the appellant is advised to apply before BDA for regularization for the deviation made by him beyond the scheme house by removing his structure made over Government land and BDA is directed to consider the application for regularization of the said deviation, if compoundable, as per the extent regulation.

Accordingly, the appeal petition is dismissed.

Urgent copy of this order be supplied as per Rules and be 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. 90 /HUD.,

Date. 02.01.26

Copy forwarded to the Vice-Chairman, Bhubaneswar Development Authority (BDA), Bhubaneswar /OSD (ODA Act), Bhubaneswar Development Authority (BDA), Bhubaneswar/ Planning Member, Bhubaneswar Development Authority (BDA)/ Commissioner, BMC, Bhubaneswar for information and necessary action.

[Signature]
02/01/2026
Desk Officer

Memo No. 91 /HUD.,

Date 02.01.26

Copy forwarded to Prasanna Kumar Panda, House No. S-3/668, Chandrasekharpur Phase-II housing scheme, Bhubaneswar, Dist- Khurda for information.

[Signature]
02/01/2026
Desk Officer

Memo No. 92 /HUD.,

Date. 02.01.26

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]
02/01/2026
Desk Officer