

**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.71 of 2010

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

Purna Chandra Swain.....Appellant

-vrs-

BDA, Bhubaneswar ..... Respondent.

**Order**

Date 18.10.2025

The case record is put up today.

This proceeding taken up in person mode.

None appeared on behalf of the appellant, the representative of Bhubaneswar Development Authority (BDA), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal dated 17.07.2010 has been filed by Sri Purna Chandra Swain, S/o Late Dibakar Swain, resident at GA Deptt allotted Govt. Qtrs. No. F-110, IRC Village, Mz-Jayadev Vihar, PS-Nayapalli, 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.71/2010.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 26.07.2010 passed by Bhubaneswar Development Authority in UAP No. 492 of 2009 and communicated to the appellant vide letter No. 8780/Enf./BDA, on removal of the unauthorized/deviated construction undertaken.

The allegation against the appellant is that the appellant has committed unauthorized additional construction of ACC roofed house and Tin house undertaken over Govt. Land adjacent to allotted Quarter No. F/110, Block No-19, Mz-Jaydev Vihar, without any prior approval from the competent authority. The BDA initiated the present case on the basis of

Amin's Report along with the sketch map dated 26.02.2009, alleging that the appellant has undertaken extensive unauthorised construction and encroached upon the adjoining Government land. The BDA contends that such construction is wholly illegal and liable to be demolished, further asserting that the appellant himself has admitted to carrying out unauthorised constructions in his written statement dtd. 04.02.2010.

The appellant in his appeal memorandum submitted that the additional A.C.C and tin-sheeted shed was constructed out of necessity to accommodate his ailing parents, provide a study space for his children, and secure parking for family vehicles in the absence of alternative space. Further, the appellant submitted that he be allowed to retain the structure for three years until his retirement to mitigate the financial and personal hardship its removal would cause.

Considering the facts and submission made by both the parties , this court is of view that, the said construction raised by the appellant is without any approved plan from the competent authority deviating Planning and Building Standard Regulation of ODA Act, 1982 and found to be unauthorizedly constructed encroaching over Govt. Land. Hence this court is not inclined to interfere with the order passed by the lower court.

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)**



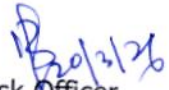
**GOVERNMENT OF ODISHA**  
**HOUSING & URBAN DEVELOPMENT DEPARTMENT**  
**3<sup>RD</sup> FLOOR, KHARAVEL BHAWAN, BHUBANESWAR, PIN-751001**

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Memo No. 8817 /HUD.,

Date. 20.03.20


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.

  
Desk Officer

Memo No. 8818 /HUD.,

Date 20.03.20

Copy forwarded to Sri. Purna Chandra Swain, S/o- Late Dibakar Swain, At- GA Deptt. Allotted Govt. Qrs. No. F-110, IRC Village, Mz-Jayadev Vihar, PS-Nayapalli, Bhubaneswar for information and necessary action.

  
Desk Officer

Memo No. 8819 /HUD.,

Date. 20.03.20

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