

**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.59 of 2010

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

Bidulata Mishra.....Appellant

-vrs-

BDA, Bhubaneswar ..... Respondent.

**Order**

**Date 18.10.2025**

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 18.05.2010 has been filed by Smt. Bidulata Mishra, D/o Late Chandrasekhar Mishra, resident at House No. LIG-S/250, 251, Niladrivihar,Phase-II, PO/PS-Chandrasekharpur, 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.59/2010.

Heard the Parties.

The appellant filed the instant appeal to set aside the impugned order dated 31.05.2010 passed by Bhubaneswar Development Authority in UAP No. 392 of 2007 and communicated to the appellant vide letter No. 6924/Enf./BDA on removal of the unauthorized/deviated construction undertaken.

The allegation against the appellant is that the appellant has alleged to have committed, unauthorized deviated construction beyond the allotted scheme over House No. LIG-GF&FF-S-2/250,251 at Chandrasekharpur, Phase-II, Niladrivihar, encroaching govt. Land, without any prior approval from the competent authority.

The BDA Representative submitted that, the appellant had erected unauthorized construction beyond the allotted scheme over the scheduled plot, encroaching upon Government land, thereby clearly violating the Planning and Building Standard Regulations under the Odisha Development Authorities Act, 1982.

The Appellant asserted that she was neither properly served with the required documents nor served with the clear demarcation of the exact portion of alleged unauthorized construction or the precise area of government land encroachment, thereby making it impossible for her to counter the charges and proving the order was passed without a proper field inquiry.

During the course of hearing, the appellant submitted that the present case may be closed in view of the fact that his civil suit, being C.S. No. 318 of 2010 before the Civil Judge, Bhubaneswar, has been withdrawn with permission of the court.

Considering the facts and submissions made by both parties, this Court is of the considered view that the construction raised by the appellant was made in deviation from the allotted scheme house, encroaching upon Government land and without obtaining an approved plan from the competent authority, thereby violating the Planning and Building Standard Regulations under the ODA Act, 1982, and is accordingly held to be unauthorized and illegal.

Hence this court is not inclined to interfere with the order passed by the lower court. Further, The BMC and BDA are directed to carry out a joint inspection of the scheduled area in the presence of the appellant, and if any encroachment over Government land is found, they shall take immediate and necessary steps to remove the same in accordance with law.

Accordingly appeal is dismissed.

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. 8826 /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) for information and necessary action.

B 20/3/20  
Desk Officer

Memo No. 8827 /HUD.,

Date 20.03.20

Copy forwarded to Smt. Bidulata Mishra, D/o- Late Chandrasekhar Mishra, At- Plot/House No. LIG-S-2/250, 251, Niladri Vihar, Phase-II, PS-Chandrasekharpur, Bhubaneswar for information and necessary action.

B 20/3/20  
Desk Officer

Memo No. 8828 /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.

B 20/3/20  
Desk Officer