

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. 53 of 2018

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

Rajat Rashmi Samal.....Appellant

-vrs-

Cuttack Development Authority(CDA),Cuttack & Ors..... Respondent.

Order

Date 24.03.2026

The case record is put up today.

This proceeding taken up in person mode.

The representative of the appellant is present, the representative of Cuttack Development Authority (CDA), Cuttack [Respondent] is present.

This Memorandum of Appeal dated 09.10.2018 has been filed by Smt. Rajat Rashmi Samal, W/o Laxmikanta Samal, resident At-Plot No.155, Baral Lane, Badambadi, PS-Badambadi, Unit No.-37, Town/City/Dist.- Cuttack 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. 53/2018.

Heard the Parties.

The appellant filed the instant appeal to set aside the impugned order dated 14.08.2018 passed by the Cuttack Development Authority in UC Case No. 123 of 2017 and communicated to the appellant vide letter No. 13987/CDA, Dt. 17.09.2018 on removal of the unauthorized/deviated construction undertaken by the appellant.

The allegation originated from a complaint filed by an adjacent property owner, Sri Saroj Ranjan Bharati, alleging that the Appellant has undertaken unauthorized construction over Plot No. 155, Unit-37, Baral Lane, Badambadi, Cuttack, deviating from the sanctioned plan, in gross violation of the provisions of the Odisha Development Authorities (ODA) Act, 1982.

The Appellant asserts that the inspection and measurements conducted by the Authority were carried out without prior intimation, rendering the report legally untenable. The Appellant contended that the property is situated in a thickly built area where no setback construction is customary, and that the alleged deviations are minor in nature, causing no prejudice to the public or encroachment upon government land. Furthermore, the appellant has expressed willingness to regularize the construction by paying compounding fees under the Sarbakshyama Yojana scheme. An application for regularisation of the unauthorised construction has already been filed before CDA and is pending for disposal.

The Representative of CDA contends that the appellant has committed extensive and unauthorized structural violations over the scheduled plot by constructing a multi storey building far beyond the sanctioned limits and without mandatory setbacks. The CDA submitted that as per the EO's report, the ground floor exceeds the permissible area by 64.44 m², while the entire first and second floors (180.35m² each) were constructed without necessary building plan approval. Despite multiple notices under relevant Sections of the ODA Act, 1982, and repeated opportunities, the appellant failed to produce any supporting documents or secure regularisation. Consequently, the CDA asserts that the construction violates the Planning and Building Standard Regulation of ODA Act, 1982 and is liable to be demolished.

Considering the facts and submission made by both the parties, this court is of view that, the said construction erected by the appellant is in gross violation of the Planning and Building Standard Regulation of ODA Act, 1982 and found to be unauthorized.

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/-

(Sri Gangadhar Nayak)

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

Memo No. 10427 /HUD.,

Date. 10.04.2026

Copy forwarded to the Law Officer, Cuttack Development Authority, Cuttack for information and necessary action.


Desk Officer

Memo No. 10428 /HUD.,

Date 10.04.2026

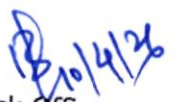
Copy forwarded to Smt. Rajat Rashmi Samal, W/o Laxmikanta Samal, Plot No.155, Badambadi, Ps-Badambadi, Unit No-37, Dist.- Cuttack for information and necessary action.


Desk Officer

Memo No. 10429 /HUD.,

Date. 10.04.2026

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