

**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. 40 of 2022

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

Bibhuti Bhusan Pattnaik.....Appellant

-vrs-

Deputy Commissioner, UC Court, CMC, Cuttack..... Respondent.

**Order**

**Date 24.03.2026**

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 Cuttack Municipal Corporation (CMC), Cuttack [Respondent] is present. The representative of Cuttack Development Authority (CDA) is present, Director of Town Planning is present.

This Memorandum of Appeal dated 18.10.2022 has been filed by Sri Bibhuti Bhusan Pattnaik, S/o Late Baishnab Ch. Pattnaik, resident of Near Press Colony High School, At-Nuapada, PS-Madhupatana, 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 UC Appeal No. 40/2022.

Heard the Parties.

The appellant filed the instant appeal to set aside the impugned order dated 13.09.2022 passed by the Deputy Commissioner (UC Court), CMC in UC Case No. 05 of 2020 and communicated to the appellant vide Ref. No. 10854, Dt. 20.09.2022 on removal of the unauthorized/deviated construction undertaken.

The allegation initiated by the complainant, Sailendra Routray & others, against the appellant is that the appellant has erected unauthorized construction over Plot Nos. 604 and 602 in Mouza- Nuapada without obtaining prior permission from the competent authority, by

encroaching public road, in gross violation of the provisions of the Odisha Development Authorities (ODA) Act, 1982.

The Appellant contends that the road adjoining Plot No. 604 is a private road standing recorded in the name of Shailabala Mallik and others, and as such, the allegation of encroachment over a public road by the CMC is not sustainable. It is further submitted that due to an erroneous settlement by the Revenue Department, the said plot has been incorrectly recorded as a public road. The Appellant has also stated that a revision petition challenging such recording is presently pending before the Court of the Additional Settlement Commissioner, Cuttack. It is further contended that the construction cannot be termed unauthorized, as the land was purchased in 1976 and the structure completed in 1980, prior to the inclusion of Nuapada village under the 1983 statutory notification, making CDA approval impossible at the time. The Appellant also assails the CMC's inspection report as deficient for not specifying the date of construction and for ignoring the 1984 Record of Rights (ROR) classifying the land as Gharabari.

The Representative of CMC submits that multiple field enquiries conducted by authorized officers between 2020 and 2022 establish that the Appellant raised structures without prior approval or a sanctioned plan from the Cuttack Development Authority (CDA). It is further alleged that the construction includes unauthorized window projections and encroachments onto a public road, narrowing its width and obstructing access. The CMC maintains that despite opportunities to show cause, the Appellant failed to produce any documentary evidence or approved plans. It is further asserted that the claim of construction in 1980 is unsubstantiated, and conversion of the land to Gharabari in 1984 does not exempt compliance with planning laws.

Considering the facts and submission made by both the parties, this court is of view that, the said construction erected 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 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**  
**3<sup>RD</sup> FLOOR, KHARAVEL BHAWAN, BHUBANESWAR, PIN-751001**

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Memo No. 10430 /HUD.,

Date. 10.04.2026

Copy forwarded to the OSD (ODA Act), Bhubaneswar Development Authority, Bhubaneswar for information and necessary action.

Desk Officer

Memo No. 10431 /HUD.,

Date 10.04.2026

Copy forwarded to Sri Bibhuti Bhusan Pattnaik, S/o Late Baishnab Ch.Pattnaik, Near Press Colony High School, At-Nuapada, Ps-Madhupatana, Cuttack for information and necessary action.

Desk Officer

Memo No. 10432 /HUD.,

Date 10.04.2026

Copy forwarded to Sri Krushna Chandra Mohapatra(80), S/o Late Gurucharan Mohapatra/ Nishamani Mohanty, S/o Late Bauribandhu Mohanty/ Sailendra Routray, S/o Late Binod Bihari Routrai/Krushna Chandra Palai, S/o Sanatan Palai, all are resident At-Nuapada, Near Press Colony High School, Ps-Madhupatana, Cuttack, PIN-753010 for information and necessary action.

Desk Officer

Memo No. 10433 /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