

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. 37 of 2023

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

Nrusingha Charan Khuntia.....Appellant

-vrs-

Deputy Commissioner, 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. Director of Town Planning is present.

This Memorandum of Appeal dated 23.08.2023 has been filed by Sri Nrusingha Charan Khuntia, S/o Late Achyuta Khuntia, resident of Village-Sagadia Sahi (Ranihat), PO-College Square, PS-Mangalabag, Town/City/Dist.-Cuttack-753003 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. 37/2023.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 03.01.2023 passed by the Deputy Commissioner (UC Court), CMC in UC Case No. 41 of 2022 and communicated to the appellant vide Order No. 6506, Dt. 01.07.2023 on removal of the unauthorized/deviated construction undertaken.

The allegation against the appellant is that the appellant has erected unauthorised construction of G+1 over Plot No. 423 (Initially identifies as 424), Khata No.-303, Mz-Ranihat, without obtaining prior permission from the competent authority, in gross violation of the provisions of the Odisha Development Authorities (ODA) Act, 1982.

The Appellant contend that the impugned demolition order was conducted arbitrarily, without a proper spot inquiry in his presence. The appellant asserts that the construction in question is merely a single room addition to a long standing ancestral residence in Sagadia Sahi, a century old slum area where setback norms are traditionally non existent due to the area's high density. The Appellant argues that the order is premature, as an application for regularization (Application No. 2552) is currently subjudice before the Competent Authority. Furthermore, he contends that the authorities misapplied the High Court's directions in WP(C) No. 12407/2022 and acted under undue pressure arising from the mischievous filing of CONTC No. 5964/2022, resulting in a hasty order that overlooks the compoundable nature of the construction under the ODA Act.

The Representative of CMC contends, on the basis of the field inquiry report dated 27.04.2022, the unauthorised construction was carried out up to the lintel level without obtaining mandatory prior approval from the competent authority. It is further submitted that the matter was disposed of on 03.01.2023 without further adjournment in compliance with the directions of the Hon'ble High Court in WP(C) No. 12407/2022 and CONTC No. 5964/2022. The CMC submitted that the failure of the parties to produce authenticated copies of court orders, coupled with the established unauthorised nature of the construction, necessitated the demolition order.

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 disallowed.

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. 10437 /HUD.,

Date. 10.04.2026

Copy forwarded to the Deputy Commissioner, CMC, Cuttack for information and necessary action.


Desk Officer

Memo No. 10438 /HUD.,

Date 10.04.2026

Copy forwarded to Nrusingha Charan Khuntia, S/o Late Achyuta Khuntia./Srimati Khuntia, S/o Late Iswar Khuntia/ Shyam Sundar Khuntia, S/o Late Iswar Khuntia/Rabindra Khuntia, S/o- Iswar Khuntia, all are resident of At- Sagadia Sahi(Ranihat),PO-College Square, PS-Mangalabag,Town/Dist.-Cuttack for information and necessary action.


Desk Officer

Memo No. 10439 /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