

**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. 21 of 2023

Under Section 18(1) of the O.D.A. Act., 1982

Rahemutun Bibi.....Appellant

-vrs-

Cuttack Municipal Corporation(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.

This Memorandum of Appeal dated 17.06.2023 has been filed by Smt. Rahemutun Bibi., W/o Late Hassain Md., resident of Mirakamal Patna, PO/PS-Mangalabag, 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.21/2023.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 21.03.2023 passed by Deputy Commissioner, CMC in UC Case No. 25 of 2022 and communicated to the appellant vide letter Ref No. 4933, Dt. 22.05.2023 on removal of the unauthorized/deviated construction undertaken.

The allegations against the appellants, initiated by a complaint from Sk. Arif Mohammed and Gafar Mohammed that appellants have carried out unauthorized construction on their property in Cuttack without any valid approval from the competent authority, violating the established provisions of the Odisha Development Authorities (ODA) Act, 1982.

The Appellants asserts that no new unauthorized construction was undertaken, but only essential repairs and additional roofing were carried out to protect their 50-year-old ancestral, dilapidated house from rainwater. They further submit that the demolition order is unsustainable, as the land is involved in pending civil disputes (including RFA No. 428/2004) and is situated in an interior basti area with a narrow five-foot road, falling outside the ambit of the Development Planning Scheme requiring prior permission.

The Representative of CMC submitted that the proceedings were initiated on the basis of a formal complaint, which was verified through a joint inquiry dtd. 08.04.2022, confirming construction of a G+1 building without prior approval from the Competent Authority. It is further submitted that despite directions from Manglabag Police Station to stop the work, the appellants admitted to carrying out construction without authorization. The CMC asserts that prior building plan approval was mandatory for such residential construction accordingly, the authority acted within its jurisdiction by granting one month's time for regularization, failing which the unauthorized structure is liable to be removed or demolished at the appellant's cost.

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. 10446 /HUD.,

Date. 10.04.2026

Copy forwarded to the OSD, UC Court, CMC, Cutack for information and necessary action.

  
Desk Officer

Memo No. 10447 /HUD.,

Date 10.04.2026

Copy forwarded to Rahemutun Bibi, W/o Late Hassain Md, /Sk. Basir Md, S/o Late Sk. Hassain Md./Sk. Nazam Md., S/o Late Sk. Hassain Md./Sk. Azad Mohammad, S/o Late Sk. Hassain Md., At- Mirakmal Patna, Po/Ps-Mangalabag, Town/Dist.-Cuttack for information and necessary action.

  
Desk Officer

Memo No. 10448 /HUD.,

Date 10.04.2026

Copy forwarded to Sk. Arif Mohammad, S/o Late Akal Mohammad/Gafar Mohammad, S/o Late Sarkar Mohammad, At- Jhola Sahi, Po-Buxi Bazar, Ps-Purighat, Town/Dist.-Cuttack for information and necessary action.

  
Desk Officer

Memo No. 10449 /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