

BY SPEED POST

COURT URGENT

**IN THE COURT OF SMT USHA PADHEE, ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT, HOUSING AND URBAN DEVELOPMENT DEPARTMENT,
ODISHA, BHUBANESWAR.**

(Appellate Authority under O.D.A. Act, 1982)

Appeal No.28 of 2026

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

Deepak SahniAppellant

-vrs-

CMC, Cuttack Respondent.

Date 04.07.2026

The case is heard today in physical mode.

Both the parties are present.

The present appeal has been preferred under Section 91 of the Odisha Development Authorities Act, 1982 assailing the order dated 27.05.2026 issued by the Deputy Commissioner (U.C. Court), Cuttack Municipal Corporation in U.C. Case No. 24/2025 directing removal of the alleged unauthorized construction over Plot No. 696/8148 & 501/695 situated at Cantonment Road, Cuttack.

Heard the parties.

The prayer of the appellant is that he is merely a purchaser/occupant of a flat in the building and that the alleged unauthorized construction, if any, has been raised by the developer/builder. It is further contended that the developer, who is the person responsible for execution of the building, has not been made a party to the proceeding and, therefore, the proceeding suffers from non-joinder of necessary parties.

The representative of the Cuttack Municipal Corporation submitted that the construction in question had been made in deviation of the sanctioned building plan and, accordingly, a direction had been issued for removal of the unauthorized construction.

On examination of the records, it appears that since the dispute primarily concerns the unauthorized construction raised by the developer, the matter requires reconsideration after associating all the necessary parties and examining the records in accordance with law. The responsibility for such unauthorized construction has to be determined after verifying the approved plan, the actual construction, and the person responsible for carrying out the deviations.

In the facts and circumstances of the case, the Deputy Commissioner, Cuttack Municipal Corporation, is directed to reconsider the matter after associating all necessary parties and examining the records in accordance with law. If it is found that any portion of the building has been constructed in deviation of the sanctioned building plan, appropriate notice shall be issued to the developer/builder, being the person responsible for such unauthorized construction, for removal of the unauthorized portion of the building.

Accordingly, the case is disposed of.

Sd/-

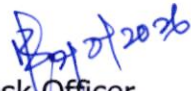
(Smt. Usha Padhee)

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

Memo No. 19454 /HUD.,

Date. 07/07/2026

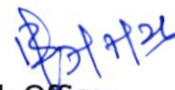
Copy forwarded to the OSD (ODA Act), Cuttack Municipal Corporation (CMC) Bhubaneswar for information and necessary action.


Desk Officer

Memo No. 19455 /HUD.,

Date 07/07/2026

Copy forwarded to Deepak Sahni, At- Tulsipur, matha Sahi, PO- Tulasipur, Ps-Bidanasi, Cuttack, PIN-753008 for information and necessary action.


Desk Officer

Memo No. 19456 /HUD.,

Date. 07/07/2026

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