

**Government of Odisha**  
**Housing & Urban Development Department**

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No. 11022 /HUD, Bhubaneswar, dated 16.5.17  
TP-(apl)-88/2014

From

Shri A.K.Singh  
Desk Officer

To

The Planning Member/ Secretary,  
Bhubaneswar Development Authority.


Sub: Appeal Case No.88/2014 under section 91(2) of the Orissa Development Authorities Act, 1982 filed by Smt. Shantilata Singh-vrs-BDA, Bhubaneswar.

Sir,

I am sending herewith the copy of the Order dated 12.05.2017 passed by the Appellate Authority i.e. the Special Secretary to Govt., Housing & Urban Development Department in the aforesaid appeal for favour of information and necessary action at your end.

You are further requested to furnish the copy of the said orders to the aforesaid appellant immediately.


Yours faithfully,

  
Desk Officer 15.5.17

Memo No. 11023 /HUD., dated the 16.5.17

Copy along with copy of the order forwarded to the Team Leader, OUSIP, Housing & Urban Development Department for information & necessary action.

He is requested to take necessary steps in order to make the said order available in the official website of this Department.

  
Desk Officer 15.5.17

Memo No. 11024 /HUD., Dated 16.5.17

Copy along with copy of the order forwarded to Smt. Shantilata Singh, Plot No.2965, Mouza-Bhubaneswar, Mahavir Lane (Kedar Lane), Old Town, Bhubaneswar, Dist.-Khurda / Sudhansu Sekhar Mishra, Plot No.1180, Mahavir Lane, P.O.-Bhubaneswar-2, P.S.-Lingaraj, Dist-Khurda for information and necessary action.

  
Desk Officer 15.5.17

29.04.2017

88/14

The Associate Town Planner of Bhubaneswar Development Authority and the intervener are present. But none appeared on behalf of the appellant in spite of issue of notices.

Heard.

Order is reserved.

Sd/-  
(P.K.Jha)

12.05.2017

This appeal is by the appellant questioning the legality and correctness the impugned order passed by the OSD (ODA Act), Bhubaneswar Development Authority on 05.08.2014 in UAP No.98/2014 u/s 91(2) of the Orissa Development Authorities Act, 1982. A compendium of the appellant's case is as follows:-

That, the appellant has been staying over Plot No.2965 in Mz. Bhubaneswar since of her forefathers which have been acquired by way of succession of properties Act. Her forefather had constructed G+1 house around 600 sft over the said land more than 30 years back i.e. much before inception of the Bhubaneswar Development Authority. In order to accommodate her family, she has only constructed a temporary Asbestos shed near by the said old structure due to her financial crunch with a hope to construct full-fledged building over the plot in question with due approval of the Authority in future. While the matter stood thus, an unauthorized proceeding has been initiated against the appellant on the basis of complaint made by some residents of the locality where in they have alleged that the appellant has run a welding shop over the suit land. In this context, the appellant in her appeal submitted that she has constructed a very small A.C. Shed towards the corner of the suit land where her unemployed son has started a welding shop to earn his bread and butter. But as soon as rented shop is available, the same shall be shifted. Without considering the aforesaid facts, the Bhubaneswar Development Authority has passed demolition order for which the instant appeal stands.

Feeling aggrieved, the instant appeal has been filed u/s 91(2) of the Orissa Development Authorities Act, 1982, on the following ground:-

1. The construction of G+1 house having only 600 sft plinth area has been undertaken much prior to institution of the Bhubaneswar Development Authority.
2. The temporary A.C. Shed is subject to retenable on payment of due fees as per the Bhubaneswar Development Authority (Planning and Building Standards) Regulation, 2013.
3. The alleged small welding shop is temporary which is going to be shifted to other commercial area as soon as available.

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