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Government of Odisha
Housing & Urban Development Department

No. 4541 /HUD, Bhubaneswar, dated 17.2.18
TP-(apl)-34/2015

From

Shri A.K.Singh
Desk Officer

To

The Planning Member/ Secretary,
Bhubaneswar Development Authority, Bhubaneswar.

Sub: Appeal Case No.34/2015 under section 91(2) of the Orissa Development Authorities Act, 1982 filed by Sri Prafulla Kumar Rout-vrs-BDA, Bhubaneswar.


Sir,

I am sending herewith the copy of the Order dated 17.02.2018-passed by the Appellate Authority i.e. the Commissioner-cum-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 appellent immediately.


Yours faithfully,

Memo No. 4542 /HUD., dated the 17.2.18


Desk Officer 17/2/18


Copy along with copy of the order forwarded to the Team Lead, 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 17/2/18

Memo No. 4543 /HUD., Dated 17.2.18

Copy along with copy of the order forwarded to Sri Prafulla Kumar Rout, Plot No.391 (pt), Mouza-Damana, Maa Tarini Basti, P.O. / P.S.-Chandrasekharpur, Bhubaneswar, Dist.-Khurda for information and necessary action.


Desk Officer 17/2/18

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17.02.2018

The appellant and Shri Samarendra Jenamani, Associate Town Planner, Bhubaneswar Development Authority are present.

Heard.

The appellant submitted that the Deputy Commissioner, Bhubaneswar Municipal Corporation has intimated that the grievance on allotment of house under Basic Service to Urban Poor (BSUP) Scheme in favour of the appellant is kept on hold till finalisation of the appeal filed before the Court of the Commissioner-cum-Secretary to Government, Housing and Urban Development Department. Hence he prayed to dispose of the appeal. The appellant in the appeal petition submitted that he belongs to a slum namely Maa Tarini Basti, Damana which was included in the Rajiv Awas Yojana. He further pointed out that he is entitled for protection under the Slum Rehabilitation and Development Policy, 2011. Hence Bhubaneswar Development Authority has no jurisdiction for demolition of the said house in view of the provision under Article 162 of the Constitution of India. He further pointed out that the so called unauthorised dwelling house situated in slum has been earmarked as a tenable slum in accordance with the provisions of the Odisha Municipal Corporation Act. Accordingly, the house of the appellant has been surveyed under Rajiv Awas Yojana.

The Associate Town Planner, Bhubaneswar Development Authority submitted that the appellant has undertaken AC Shed house over the Government land plot No.391 (P), Damana (BDA land) without obtaining approval from the competent authority. Hence the construction in question is unauthorised for which demolition order has been passed.

In view of the above submission and perusal of lower court record, it is admitted fact that the construction in question has been undertaken over the Government land without obtaining approval from the competent authority. Hence, I am inclined to believe that the order passed by the lower court is just and proper. Accordingly, the appeal is dismissed.

Sd/-
(G.Mathi Vathanan)