

Government of Odisha
Housing & Urban Development Department

No. 7198 /HUD, Bhubaneswar, dated 17.3.18
TP-(apl)-28/2010

From

Shri A.K.Singh
Desk Officer

To

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

Sub: Appeal Case No.28/2010 under section 91(2) of the Orissa Development Authorities Act, 1982 filed by Sri Niranjan Sahoo-vrs-BDA, Bhubaneswar.

Sir,

I am sending herewith the copy of the Order dated 16.03.2018 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 appellant immediately.

Yours faithfully,



Desk Officer 16.3.18

Memo No. 7199 /HUD., dated the 17.3.18

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 16.3.18

Memo No. 7200 /HUD., Dated 17.3.18

Copy along with copy of the order forwarded to Nirupama Sahoo/Nandini Nibedita, HIG-42, BDA Colony, Gangadhar Meher Nagar, Jayadev Vihar, Bhubaneswar Dist.- Khurda for information and necessary action.



Desk Officer 16.3.18

28/10

20.01.2018

The learned advocate on behalf of the appellant and the Associate Town Planner of Bhubaneswar Development Authority are present.

Heard.

Order is reserved.

Sd/-

(G.Mathi Vathanan)

16.03.2018

The appellant has filed the instant appeal u/s-91 (2) of the Odisha Development Authorities Act, 1982 challenging the legality and propriety of the order dated 17.03.2010 passed by the O.S.D.(O.D.A. Act), Bhubaneswar Development Authority wherein the appellant has been directed to demolish the unauthorised encroachment undertaken over the Veranda by violating the norms of BDA shop No.19 & 20, Surya Kiran Market Complex, Sahidnagar, Bhubaneswar.

The learned advocate on behalf of the appellant submitted in the appeal petition that the shops No.19 & 20 at Suryakiran Market Complex have been allotted in favour of the appellant by Bhubaneswar Development Authority on 18.02.1989. Since then the appellant was enjoying the said shops abiding all the rules and regulations as laid down by the Bhubaneswar Development Authority. He further submitted that while the appellant enjoying the suit property by way of extending the veranda, the unauthorised proceeding was initiated against the appellant under section 91(1) of the Odisha Development Authorities Act, 1982 and notices were issued by the Bhubaneswar Development Authority in terms of the provisions of the Odisha Development Authorities Act, 1982. In response to the same, the appellant submitted show cause. But without considering the same and without field enquiry, the demolition order has been passed. He further contended that the appellant has developed a temporary construction by extending veranda since last 20 years for convenience of his business which was accepted by the Bhubaneswar Development Authority in UAP Case No.62/1990. He further pointed out that the suit land was allotted to the appellant for his necessity and for his convenience and business purpose; he has constructed the temporary construction in question. He also agreed to remove the said construction at the time of leaving the shop and restore the same on its original position.

The Associate Town Planner, Bhubaneswar Development Authority submitted that the appellant has been allotted the shops bearing No.19 & 20. As per the brochure condition no addition and alteration is allowed to the allotted plinth. But the appellant in the instant case has blocked the veranda which is meant for common passage for all the shops. He further pointed out that on the basis of allegation on addition and alteration made by the appellant, the UAP Case No.62 of 1990 was initiated and

28/10

28/10

dropped. Thereafter the appellant raised some unauthorised construction over the veranda violating the clause 5 and 10 of the agreement executed with Bhubaneswar Development Authority for which the unauthorised proceeding bearing UAP No.185 of 2009 was initiated. Since the construction is unauthorised, the demolition order has been passed therein.

Considering the above submission and perusal of records, it is admitted fact that the appellant has undertaken the construction over the veranda violating the terms and conditions of agreement without obtaining approval from the competent authority. Hence, the order passed by the lower court is just and proper. Accordingly, the appeal is dismissed since it merits no further consideration.

Sd/-
(G.Mathi Vathanan)