

Government of Odisha  
Housing & Urban Development Department

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No. 7201 /HUD, Bhubaneswar, dated 17.3.18  
TP-(apl)-46/2012

From

Shri A.K.Singh  
Desk Officer

To

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

Sub: Appeal Case No.46/2012 under section 91(2) of the Orissa Development  
Authorities Act, 1982 filed by Sri Susen Kumar Ray-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. 7202 /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. 7203 /HUD., Dated 17.3.18

Copy along with copy of the order forwarded to Sri Susen Kumar Ray, At- Kudiari,  
P.O./P.S.-Jatni, Dist-Khurda for information and necessary action.

Desk Officer 16.3.18

20.01.2018

46/12

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

Heard.

The learned advocate for the appellant filed Vakalatanama today and also prayed time.

Since time has already been allowed in previous date and the instant appeal has been fixed for final hearing today, time is not allowed further.

Order will be passed on merit of the appeal.

Sd/-

**(G.Mathi Vathanan)**

16.03.2018

The instant appeal has been filed u/s-91 (2) of the Odisha Development Authorities Act, 1982 challenging the legality and propriety of the order dated 26.06.2012 passed by the O.S.D. (O.D.A. Act), Bhubaneswar Development Authority in UAP No.289 of 2011.

The learned advocate on behalf of the appellant submitted in the appeal petition that the appellant is possessing plot No.3028 by constructing an asbestos house for purpose of running shop for the last 30 years in order to earn his livelihood. While the matter stood thus, the appellant received a notice dated 30.06.2012 from the Bhubaneswar Development Authority for demolition of the said asbestos house. He further pointed out that without issuing notice to the appellant for show cause and without providing opportunity for hearing, such demolition order has been passed which is illegal and arbitrary.

The Associate Town Planner of the Bhubaneswar Development Authority submitted that the unauthorised proceeding was initiated against the appellant in terms of the provisions of the Odisha Development Authorities Act, 1982 for construction of A.C. sheet house over road land bearing plot No.3028 which belongs to Government holding, in mouza-Kudiary, Jatni unauthorisedly. He further contended that the appellant is unable to produce any document in support of ownership as well as copy of approved plan for which demolition order has been passed.

In view of the above submission and perusal of records as submitted, it is admitted fact that the appellant has undertaken the construction over the land which belongs to Government without obtaining approval from the competent authority. Hence; I do not find any flaw in the order passed by the lower court. Hence the appeal merits no consideration and accordingly dismissed.

Sd/-

**(G.Mathi Vathanan)**