

Government of Odisha
Housing & Urban Development Department

No. 7207 /HUD, Bhubaneswar, dated 17-3-18
TP-(apl)-100/2015

From

Shri A.K.Singh
Desk Officer

To

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

Sub: Appeal Case No.100/2015 under section 91(2) of the Orissa Development Authorities Act, 1982 filed by Sri Bibhuti Bhusan Kar-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. 7208 /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. 7209 /HUD., Dated 17-3-18

Copy along with copy of the order forwarded to Sri Bibhuti Bhusan Kar, R/o Kara Sahi, Baliana Near Post Office, At/P.O/P.S.-Baliana, Bhubaneswar, Dist.- Khurda for information and necessary action.



Desk Officer 16.3.18

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16.12.2017

The Associate Town Planner of Bhubaneswar Development Authority is present. But none appeared on behalf of the appellant.

Heard.

Order is reserved.

Sd/-

(G.Mathi Vathanan)

16.03.2018

The instant appeal has been filed u/s-91(2) of the Odisha Development Authorities Act, 1982 by Bibhuti Bhushan Kar challenging the order dated 20.05.2013 passed by the OSD (ODA Act), Bhubaneswar Development Authority wherein the appellant has been directed to remove the unauthorised compound wall within 7 days from the date of service of order failing which action under section 91(1) of the Odisha Development Authorities Act, 1982 shall be taken and the Enforcement Squad will do the needful to demolish the same. Expenses of such removal of unauthorised construction shall be recovered from the appellant. On refusal by the appellant to pay the demand, the same will be realised as arrears of land revenue.

The learned advocate on behalf of the appellant has submitted in the appeal that the owners of plot No.353, 354, 356, 357,358,460,462,487, 488 and 489 of mouza Saradeipur had appointed the appellant as their Attorney in order to sell those plots to the interested buyers. But the appellant had never developed the said plots. The land owners while selling the said plots had also provided approaching roads to the respective buyer of such land on mutual agreement basis. It is further contended in the appeal that the complainants in the present case had apparently bought one piece of land jointly from some other land owner which is far away from the Public Road. There is no road to access the said land for which they are trying to forcibly pass through the lands of some poor villagers. As a Social worker, the appellant raised objection on such activities of the said complainants. Being aggrieved by such action of the appellant they filed a false and frivolous case against the appellant before the Bhubaneswar Development Authority. But Bhubaneswar Development Authority without any proper inquiry, the unauthorised proceeding was initiated against the appellant. But the demolition order has been passed without serving any notice of show cause. It is further pointed out in the appeal that the report of the Amin has been made without proper verification and measurement for which it is vague, incorrect and without any proper dimension. The appellant is unnecessarily dragged into the matter where he is neither the owner of the plots in question nor developed the said plots. He further submitted that the demarcation of the land and construction of boundary wall has been made by the respective owners of the plots on their respective portions of the land. Rather the complainants were trying to

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demolish the boundary wall in order to pass through it to their plots. He further submitted that the enquiry made and demolition order passed by the Authority in absence of the appellant is not sustainable in the eyes of law.

The Associate Town Planner, Bhubaneswar Development Authority submitted that the unauthorised proceeding was initiated on the basis of complain petition regarding unauthorised obstruction of road land by constructing compound wall by the appellant. He further submitted that the Enforcement Squad has also reported that the appellant has developed an unauthorised lay out without obtaining permission from the competent authority i.e. Bhubaneswar Development Authority over plots in question. The Field Inspector has also reported that the appellant has taken up the compound wall obstructing plot No.461. But in spite of issue of notices, the appellant has not filed any show cause nor submitted any approved lay out plan. He further contended that during course of hearing, it was noticed that the appellant has undertaken the plotting scheme without obtaining approved lay out plan from Bhubaneswar Development Authority and obstructed the road land. Accordingly, the demolition order has been passed.

In view of the above contentions & perusal of records as submitted, it is revealed that the appellant has no interest in the matter since in spite of issue of notices, he has not turned up to agitate the matter in this forum. Ongoing through the appeal petition and perusal of L.C.R. as submitted, it is found that the unauthorised lay out has been developed without obtaining permission from the competent authority and the road land in question has also been obstructed. Hence, I am of considered view that the order passed by the lower court is just and proper. Accordingly, the appeal merits no consideration and dismissed.

Sd/-

(G.Mathi Vathanan)