

131

Government of Odisha
Housing & Urban Development Department

No. 7204 /HUD, Bhubaneswar, dated 17.3.18
TP-(apl)-20/2015

From

Shri A.K.Singh
Desk Officer

To

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

Sub: Appeal Case No.20/2015 under section 91(2) of the Orissa Development Authorities Act, 1982 filed by Labanga Behera-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. 7205 /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. 7206 /HUD., Dated 17.3.18

Copy along with copy of the order forwarded to Labanga Behera, Plot No.125, Ananta Vihar, Pokhariput, P.S.- Airfield, Bhubaneswar/Dillip Kumar Sahoo, Secretary, Ananta Vihar Welfare Society, MIG-45, Phase-III, Pokhariput, Bhubaneswar-751020 for information and necessary action.



Desk Officer 16.3.18

20/15

20.01.2018

The Associate Town Planner of Bhubaneswar Development Authority and the intervention petitioner are 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 Smt. Labanga Behera challenging the legality and propriety of the order dated 05.02.2015 passed by the O.S.D.(O.D.A. Act), Bhubaneswar Development Authority.

The learned advocate on behalf of the appellant submitted in the appeal petition that the appellant has been residing over his ancestral housing property over plot No.125 for about 30 years with her family members. In order to cope up with requirements of her family members, she had constructed some AC shed houses over the said plot. He further pointed out that the appellant has neither encroached the Government land nor any construction has been undertaken over the Government land. Rather some portion of her plot has been wrongly mixed with the Government land for which she has not constructed her house in planned manner.

The Associate Town Planner of Bhubaneswar Development Authority submitted that the appellant has undertaken construction of AC shed house over the Government land bearing Plot No.151 (P) in BDA Scheme area in mouza-Pokhariput for which the unauthorised proceeding was initiated against her in terms of the provisions of the Odisha Development Authorities Act, 1982. Accordingly, notices were issued against the appellant under section 91(1) of the Odisha Development Authorities Act, 1982 to appear on 28.10.2014, 09.12.2014 and 06.01.2015. But the appellant did not like to appear in response to the said notices to defend her case. No document in support of construction undertaken over the land in question was not submitted. Accordingly, the demolition order has been passed.

In view of the above submission and perusal of records, it is revealed that the appellant has undertaken the construction over the Government land without obtaining approval from the competent authority. It is also observed that she is not interested to agitate her matter in this court in spite of issue of notices. The demolition order has been issued over construction under taken over Plot No. 151 (P) in BDA Scheme area whereas the appellant has agitated in appeal only about plot No.125. Hence, I am inclined to believe that there is no error in the order passed by the lower court. Accordingly, the appeal is dismissed since it merits no further consideration.

Sd/-

(G.Mathi Vathanan)