



IN THE HIGH COURT OF ORISSA AT CUTTACK

OJC No.1046 of 1998

Smt. Urmilla Patel

....

Petitioner

Mr. K. Rath, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Mr. U.C. Behura, AGA

Mr. M.K. Panda, Advocate for OP No.2

CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

ORDER

26.08.2025

Order No.

09.

OJC Nos.1046, 1047, 1048, 1049, 1051, 1052 and 1053 of 1998

In all these writ petitions challenge is made to the coercive orders made by Berhampur Development Authority under Section 91 of Orissa Development Authorities Act, 1982.

Learned counsel for the petitioner submits that the impugned orders have been passed without giving due opportunity of hearing and therefore, they are liable to be voided on the ground of violation of principles of natural justice. He also argues that the very provisions of the Act are not applicable to old structures of the kind, which aspect had not been considered by the decision making authority.

Learned Panel Counsel appearing for the BDA opposes the petitions contending that the petitioners have got alternate and more efficacious remedy of appeal against the impugned orders, as provided under Section 91(2) of the Act and therefore, they should be relegated to appellate remedy. He adds that under the



scheme of the Act, appeal lies before the Secretary, Department of Urban Development, Government of Odisha, who will have cumulative wisdom in matters like this and therefore, this Court may not undertake a deeper examination of the same. There is force in this submission.

In the above circumstances, these writ petitions are disposed off reserving liberty to the petitioners to file an appeal against the impugned orders within a period of 30 days, reckoned from this day. Registry to return the impugned orders after retaining copies thereof on the file.

If the appeals are filed within 30 days, the years having been spent in the pendency of these writ petitions, the same shall be heard without reference to delay and laches. In that connection, all contentions are kept open.

To facilitate filing of the appeal, the BDA is directed not to give effect to these impugned orders for a period of 30 days, if already not given effect to.

Now, no costs.

Web copy of the order to be acted upon by all concerned.

(*Dixit Krishna Shripad*)
Judge