



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 1108 of 2026

<i>Jai Santoshi Maa</i> <i>Charitable Trust</i>		<i>Petitioner(s)</i> <i>Ms. Suravi Mohanty, Advocate</i>
		-Versus-
<i>State of Odisha & Ors.</i>		<i>Opposite Party (s)</i> <i>Mr. Amitabh Pradhan, ASC</i> <i>Mr. Debakanta Mohanty,</i> <i>Advocate</i> <i>Mr. Biswajit Nayak,</i> <i>Advocate</i>

CORAM:
DR. JUSTICE SANJEEB K PANIGRAHI

ORDER
27.02.2026

Order No.

03.

1. This matter is taken up through hybrid arrangement.
2. The Petitioner, by filing this Writ Petition, has made a prayer to set aside the order dated 22.12.2025 passed by the learned Deputy Commissioner, A.O (ODA Court), Bhubaneswar Municipal Corporation, Bhubaneswar in UAP Case No.88 of 2023.
3. Heard learned counsel for the Parties.
4. During course of hearing, learned counsel for the Opposite Party No.2, at the outset, submits that there is a clear statutory remedy of appeal available under Section 91(2) of the Odisha Development Authorities Act, 1982 against the impugned order



vide Annexure-1. Hence, the Petitioner should approach the Appellate Authority. The provision under Section 91(2) of the Odisha Development Authorities Act, 1982 is extracted herein below:-

“91. Removal of unauthorized development:- (2) Any person aggrieved by an order under Subsection (1) may appeal to the State Government or an Officer appointed by the State Government in this behalf, against that order within thirty days from the date thereof, and the Government or the Officer, as the case may be, may after hearing the parties to the appeal either allow or dismiss the appeal or may reverse or vary any part of the order. The decision of the State Government or the Officer, shall be final and shall not be questioned in any Court of law.”

5. In such view of the matter, this Court is not inclined to entertain the prayer made in this Writ Petition. However, considering the request of learned counsel for the Petitioner, this Court permits the Petitioner to file an appeal along with a petition for condonation of delay, if any, so also a petition for interim protection before the concerned Appellate Authority as per the provision under the Odisha Development Authorities Act, 1982, within a period of fifteen working days hence. In such event, the Appellate Authority shall condone the delay in preferring the appeal liberally and conclude the hearing after providing adequate



opportunity of hearing to the parties concerned within a period of three months from the date of filing of the appeal.

6. This Writ Petition is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Gitanjali