



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

F. No. NCST/DEV-1194/OR/25/2022-ESDW

Dated: 22.06.2023

To,

The Commissioner,
Bhubaneswar Municipal Corporation(BMC),
ICOMC Tower, Unit-IX,
In front of Satya Nagar Kali Temple on Janpath,
Bhubaneswar- 751022, Odisha
E-Mail: commissioner@bmc.gov.in

The Collector and District Magistrate,
District- Khordha
O/o Collector Khordha
At-New Collectorate Po-Pallahat
Khorda-752056, Odisha
E-Mail: dm-khurda@nic.in

Sub: Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 29.05.2023 at 04:30 PM in the State Guest House, Bhubaneswar, Odisha regarding representation dated 13/12/2022 received from Shri Rohitashwa Naik, R/o- Plot No.- 42/10932, Gadakana, Near Kelu Charan Park (in front of RGAY Apartments), Post - C.S. Pur, H.B. Colony, District-Khordha, Odisha regarding request for proper compensation with alternate house & plot by Odisha Government in case residential house/plot is taken away for the purpose of public road.


Sir/Madam,

I am directed to enclose herewith a copy of Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on **29.05.2023 at 04:30 PM** in the State Guest House, Bhubaneswar, Odisha on the above mentioned subject for information and necessary action.

2. You are directed to send the Action Taken Report (ATR) on the recommendations of the Commission **within 07 days** from the date of receiving of the Minutes.

Encl: as Above.

Yours faithfully,


(H.R. Meena)
Research Officer

Copy for information to: -

1. **Shri Rohitashwa Naik,**
R/o- Plot No.- 42/10932,
Gadakana,
Near Kelu Charan Park (in front of
RGAY Apartments),
Post - C.S. Pur, H.B. Colony,
District-Khordha, Odisha

2. **NIC Cell for upload in NCST
Website.**

National Commission for Scheduled Tribes

No. NCST/DEV-1194/OR/25/2022-ESDW

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on the representation from Shri Rohitashwa Naik regarding preventing the demolition of his residence by BMC despite having obtained prior permission from the BMC for their residential building.

Date of the Sitting: 29.05.2023 at 04:30 AM

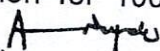
List of Participants: As per Annexure

The Commission received a representation from Shri Rohitashwa Naik, submits that he is the owner of a residential house situated at Plot No. 42/10932, Khata No. 3617, Mouza-Gadakana, Bhubaneswar. The house was constructed in 2003 with BMC permissions and financed through a bank loan and personal savings. However, a Government Gazette Notification has proposed the construction of a road that would pass through the petitioner's plot, necessitating the demolition of their house. Despite having obtained prior permission from the BMC for their residential building, the petitioner has approached the relevant authorities for assistance in preventing the demolition and requesting an alternative residential plot in the same area. Regrettably, no action has been taken in response to their plea so far.

The Commission issued Notice dated 19.01.2023 to Shri Vijay Amruta Kulange, Commissioner, Bhubaneswar Municipal Corporation (BMC) and Shri. K. Sudarshan Chakravarthy, Collector and District Magistrate, Khordha District, Odisha to submit the Action Taken Report ("ATR") within 15 days. The Commission did not receive ATR from the authorities.

The Commission issued Summons dated 19.05.2023 to the Shri Vijay Amruta Kulange, Commissioner, Bhubaneswar Municipal Corporation (BMC) and Shri. K. Sudarshan Chakravarthy, Collector and District Magistrate, Khordha District, Odisha respectively to appear before the Commission for a Sitting at the State Guest house, Bhubaneswar, Odisha on 29.05.2023 at 10:30 AM.

During the Sitting, the Collector and District Magistrate, Khordha District submitted that Shri Rohitashwa Naik is presently residing upon the mentioned plot and he has taken permission from BMC for the construction of the house. In the plan approved by BMC there is provision for 100 ft. wide proposed CDP road and Sri


अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES

Naikhas constructed his house accordingly excluding the CDP proposed road part. But as per Gazette notification no.2040/ Dtd. 10.12.2021, 150 ft. wide road is proposed to be passing over his plot for which his residential house is going to be affected. However, Sri Rohiteswar Naik has not received any notice till the date of enquiry from any Govt. Office regarding evacuation from his house or demolition of the house.

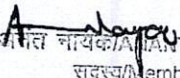
Shri Vijay Amruta Kulange, Commissioner of the Bhubaneswar Municipal Corporation (BMC), served notices to the petitioner and affected individuals. They were asked to file objections before the BDA. A high-level committee reviewed the objections and requested the presence of all involved at the hearing. However, the petitioner did not attend. After a thorough review, the CDP was modified and finalized. The finalized CDP is now awaiting government approval. Once approved, land acquisition will commence, and affected individuals will receive compensation and rehabilitation. It was also mentioned that the matter concerns the Bhubaneswar Development Authority (BDA) and they should be made a party to the proceedings.

The petitioner stated that he did not receive the notice for objection through BDA. He became aware of the situation through his neighbors, so he filed an objection with the BDA to prevent the demolition of his house for road widening. However, no action has been taken in response to their plea thus far. The petitioner further mentioned that he obtained BMC permissions and financed the construction of his house in 2003 through a bank loan and personal savings, as he has no other means. Therefore, he requested protection for his residence.

After hearing the case, the Commission recommends the following: -

1. The Collector and Commissioner of the Bhubaneswar Municipal Corporation has to ensure that the petitioner's objections and concerns submitted to the BDA are thoroughly considered, and given a fair opportunity to be heard
2. The Collector and Commissioner of the Bhubaneswar Municipal Corporation will submit a detailed compliance report on all actions taken to date regarding the 100 ft. wide proposed CDP road project within 15 days.

Notice to Bhubaneswar Development Authority (BDA) shall be issued for seeking ATR within 7days.


अन्ता नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

(ANNEXURE)

F. No. NCST/DEV-1194/OR/25/2022-ESDW

LIST OF PARTICIPANTS: -

National Commission for Scheduled Tribes		
S. No.	Name	Designation
1.	Shri Ananta Nayak	Hon'ble Member
2.	Dr. Jayant Sarode	Director
3.	Shri Radhakanta Tripathy	Special Rapporteur
4.	Shri D.K. Palai	UDC
5.	Shri Avinash Mattur	Legal Consultant
The Commissioner, Bhubaneswar Municipal Corporation(BMC), Bhubaneswar, Odisha		
S. No.	Name	Designation
1.	Shri Vijay Amruta Kulange	Commissioner, BMC
2.	Shri Raj Kishore Jena	Deputy Commissioner, BMC
The Collector and District Magistrate, District- Khordha Odisha		
S. No.	Name	Designation
1.	Shri K. Sudarshan Chakravarthy	District Magistrate, Khorda
Petitioner		
S. No.	Name	Designation
1.	Shri Rohitashwa Naik	Petitioner
2.	Smt. Sabita Rani Naik	Petitioner