

THE REVENUE DIVISIONAL COMMISSIONER, [SOUTHERN
DIVISION], BERHAMPUR
REVISION PETITION NO. 1 /2020

Mr. Binod Bihari Majhi , aged about 57 years,

Both are doing Business, and sons of

Late Purna Chandra Majhi, residents of Tota Street

2nd line, Near Bijipur, Po. Berhampur,

PS: B.N. Pur, Dist:- Ganjam

....Petitioner

Versus

1. Kuntala Kumar Choudhary w/o: Profulla Kumar Choudhary
2. Jyotsnarani Majhi, W/O : Kailash Chandra Majhi
3. Kotakota Premlata H/O: Sorbasor Rao
4. Prakash ch Das, S/O :Govordhono Das 9861413082
5. Anuradha Saha , W/O: Gouro Gobindo Saha 9439567799
6. Sashi Sahu, S/O: Gopinath Sahu ,
7. Kundala Chitty Babu, S/O: Kundala Raghunath 8500367663
8. Kundala Syamalata S/O: Kundala Surya Rao
9. Pratap Kumar Padhy S/O: udaynath padhy
10. Kailash Chandra Majhi, S/O: Arujuno Majhi
11. Indira Patnaik , W/O : late Surendranath Patnaik
12. Rani Acharya, S/O: Prosono Kumar Acharya
13. Bina Kumar Sharma, S/O: Radha Kantho satapati
14. Sibaram Panda S/O: Gobindo Panda
15. B. Siva Prasad S/O: B. Padmanath Patro
16. Mangulu Sahu S/O: Laxmono Sahu

Forma Part of Affidavit
7-1-2020
NOTARY
Mar.uj Kumar Patnaik
NOTARY
Berhampur

1 Binod Behari Majhi

17. Deeg Gambhir W/O Prambendra Singh
18. ~~Prasanna kumar Das S/O Radha Mohan Das~~
19. Bontu Venketaratnam Patro, S/o: Bontu Padmonav Patro
20. Vyjayanti Panigrahy , W/O: Sarat Kumar Panigrahy
21. Maharani Panigrahi W/o A. Venkat Panigrahi
22. Ashok Kumar Panigrahy S/O Ram Ch Panigrahy
23. P. Debaraj Patro S/O: P. Gobardhono Patro

all above are residents of Gandhinagar- 6th line

PO: Berhampur, PS: B. Town, District Ganjam ... Respondents

24. The Secretary, Berhampur
Development Authority, Berhampur

PETITION filed by the above named above Petitioner s under section 17 of The Odisha Development Authorities Act, 1982, most respectfully showeth:

1. That the petitioner herein submit that, they are sons to late Purna Chandra Majhi who got the lands situated at Gandhinagar 6th line vide . Regd. Settlement/ partition Deed bearing no. 1408 dt. 26-09-1940, find at pages 452 to 455 of Book no.2 within Sub registration of Sub-Registrar Berhampur Town and during the survey settlement he has mutated the land in his name having the Khata No. 91 having plot numbers 32,33,34,94, 317,328,331,332,340, of Ac. 1. 078 dec. out of Ac. 4.698 dec. of the Approved Lay-out plan. Unfortunately one Rabindra Kumar Patro has influenced the BDA Authorities by illegal means without showing any documents to the effect but secured a sanction of approved plan on Khata no.91 having plot numbers 32,33,34,94,317,328,331,332,340, having an extent of Ac. 2.188 dec. are belong to the joint family of the Petitioners.

Beraud Behari Mahto

FORMER PART OF ATTORNEY
31-10-20
NOTARY

2. That the above petitioner herein submit that the ROR of Khata No. 91 belonging to their father/late Purna Chandra Majhi is Ac. 1. 109 dec. are now available with the Petitioner are used as Roads and Park by the Berhampur Municipal Corporation.

3. That the above petitioner herein submit that the Ac. 1. 079 dec. are now available with the respondent above [for an extent of Ac.0.043 dec.] is in possession without any title thereto by using the wrongful/illegal approved Plan of the Berhampur Development Authority .

4. That the above petitioner herein submit that, the BDA and its officers have wrongful granted an approval Ac. 1.079 dec out of the Ac. 2.188 dec. Also the 91 khata lands presently Ac. 1.109 dec. has been utilized by the Berhampur Municipality as a road and a Part for the use of the Approved/wrongly in favor of the Plots of the petitioners/Petitioners; are entitled for getting the compensation to the tune of Rs 19,32,32,160/- [Nineteen Crore Thirty two Lakhs Thirty Thousand One Hundred Sixty Only] Recently the father of the petitioner died leaving a regd. Willnama in favour of the petitioner above.

5. That the above petitioner herein submit that, on perusal of the records available with the father of the Petitioner it is found that above respondent has purchased a site with from a wrong person known as Rabindra Kumar Patro by getting the BDA approval with all illegal methods with out having right title interest and possession thereof are one of the purchasers of the land got BDA approval belong to the father of the Petitioner. And for the crimes committed by the respondent and his vendors the Petitioner are now contemplating to file an appeal under section 17 of ODA Act, to cancel/revoke the orders of the BDA Vide letter no. 1902, dt. 14-05-1996, ^{as respondent no. 24 above}

BDA/MSF

— Berad Behar Majhi

For the Part of Affidavit
7-12-20
NOTARY

KHATA NO.S	PLOT NO.S	EXTENT	NAME
1. 174/1027	31/2081	0.005	Kuntala kumara choudhury
Ditto	332/2082	0.022	Ditto
Ditto	340/2083	0.016	Ditto
2. 174/1274	32/2467	0.008	Jyotsnarani Majhi
Ditto	31/2466	0.020	Ditto
3. 174/867	32/1867	0.015	Kotakota Premalata
Ditto	33/1868	0.028	Ditto
4. 174/1604	32/1987	0.043	Prakash ch Das
5. 184/67	32/2130	0.018	Anuradha Saha
Ditto	32/2306	0.021	Anuradha Saha
6. 184/7	32/2131	0.006	Sashi Sahu
Ditto	331/2132	0.058	Ditto
7. 174/1114	32/2207	0.009	Kundala chitty babu
Ditto	331/2208	0.009	Ditto
Ditto	322/2289	0.015	Ditto
8. 184/67	32/2130	0.018	Anuradha saha
Ditto	32/2306	0.021	Ditto
9. 174/860	33/1858	0.042	Kundala Syamalata
10. 174/862	33/1861	0.038	Pratap Kumar Padhy
11. 184/426	33/1926	0.007	Kailash Chandra Majhi
184/426	321/1927	0.001	Ditto
184/426	322/1928	0.033	Ditto
12. 174/1709	328/1973	0.016	Indira Patnaik
174/1709	229/1974	0.028	Ditto
13. 174/954	341/1977	0.010	Rina Acharya
174/954	340/1978	0.023	Ditto

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174/954	328/1979	0.001	Ditto
14. 174/1002	329/2049	0.035	Bina Kumari Sharma
174/1002	330/2050	0.029	Ditto
174/1002	328/2051	0.003	Ditto
15. 184/3	340/1877	0.034	Sibaram Panda
16. 174/880	340/1882	0.047	B. Siva Prasad
17. 184/270	341/1976	0.032	Mangulu Sahu
184/270	340/1975	0.003	Ditto
18. 174/954	341/1977	0.010	Rina Acharya
Ditto	340/1978	0.023	Ditto
Ditto	328/1979	0.001	Ditto
19. 184/2	340/1980	0.029	Deeg Gambhir
184/2	341/1981	0.005	Ditto
20. 174/1997	341/2037	0.028	Prasanna Kumar Das
Ditto	340/2038	0.007	Ditto
21. 174/1118	340/2220	0.034	B. Venkata Ratnam
22. 174/1119	340/2221	0.034	Vyjayanti Panigrahi
23. 184/94	94/1785	0.009	Maharani Panigrahi
24. 174/1727	94/950	0.005	Ashok Kumar Panigrahi
174/1727	94/947	0.026	Ditto
25. 174/1028	329/2084	0.021	P. Debaraj Patro
174/1028	330/2085	0.028	Ditto
174/1028	331/2086	0.012	Ditto

FORMER PART of Affidavit
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 NOTARY

6. That, but for the reasons to afford an opportunity to the respondent above and the applicant extended a liberal opportunity to have a settlement for the issue stated above by paying the market value of the sites in their illegal possession by execution of the required sale deeds by the petitioner to regularize the crimes committed by them in the matter in order to wipe out the ill intentions in the minds of the Respondents. Hence this petition with the prayer stated hereunder.

PRAYER

The Petitioner herein prays the Hon'ble Court may please to issued notices on the respondents for the purpose of cancellation of all the approvals of the plans for construction of buildings on the schedule lands to which the Petitioner are absolute owners and Allow this appeal under section 17 of ODA Act, to cancel/revoke the orders of the ^{respondant no. 24} BDA Vide letter no. 1902, dt. 14-05-1996. in the circumstances and in the best interest of Justice.

Dr. N. S. S. Palanisami
Advocate for the Petitioner

** Binod Behari Mishra*
Petitioner

SCHEDULE

The land measuring Ac. 2.188 dec, situated at Gandhinagar 6th line, appertains to plot numbers 31,32,33,34,94,317,321,322, 328,329, 330, 331,332,340,341, within sub registration of sub registrar, Berhampur.

Binod Behari Mishra

Forms Part of Affidavit
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LIST OF DOCUMENTS

1. Xerox copy of Regd. Settlement/ partition Deed bearing no. 1408, dt. 26.4.40
2. Xerox certified copy of R.S.D. NO. 1491/1973
dt. 15-05-1973
3. Xerox copy of Revenue cert Accept of Kh. No. 91
4. Xerox copy of E.C. vide S.L. NO. 6992/4 S NO. 2453/2013, U.N. NO. 91
5. Xerox copy of ROR of Khata no. 91
6. Xerox copy of ROR of Khata no. 174/2028
7. Xerox copy of Legal Notice dt. 30.06.2014
8. Xerox copy of Reply Notice dt. 16-07-2014 sent by H.A.U.D.
9. Xerox copy of approve residential Lay-out plan
10. Xerox copy of the Letter No. 1902/BDA dt. 14-05-1996 for Lay-out plan Approval.

AFFIDAVIT

Manoj Kumar Patnaik
NOTARY
Berhampur
Jl No. 116
Time 2:51 PM
Date 7-7-2020

I, Mr. Binod Bihari Majhi, aged about 57 years, [redacted] doing Business, and sons of Late Purna Chandra Majhi, residents of Tota Street 2nd line, Near Bijipur, Po. Berhampur, PS: B.N.Pur, Dist:- Ganjam, do hereby solemnly affirm and state on oath as follows:

1. That I am the deponent of this affidavit filed as a part of the application filed today.
2. That the facts stated in the application filed by me are form part of this affidavit and same are true to the best of my knowledge information and belief.

Identified by,

Dr. N. Kishore Kumar Patnaik
Advocate,

Binod Bihari Majhi
Deponent/Petitioners

Dr. N. Kishore Kumar Patnaik

B.Sc.; M.A.[IRPM]; Ph.D.[Law].

DECLARATION

The declarant having been identified by Dr. N. K. Patnaik Advocate of Berhampur solemnly affirmed before me on on this the 7th day of July 2020 at 2:51 PM. Contents having been read over and explained to the declarant and he/she perfectly understood the contents thereof and the theme of moving this affidavit.

M. K. PATNAIK
NOTARY BERHAMPUR (GM)