

URGENT

ITEM NO.22

COURT NO.4

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

MA No. 1808-1809 of 2019 in Civil Appeal Nos. 4784-4785 of 2019,
4786-4789 of 2019 and 4790-4793/2019

THE KERALA STATE COASTAL ZONE MANAGEMENT
AUTHORITY

Petitioner(s)

VERSUS

MARADU MUNICIPALITY & ORS.

Respondent(s)

(OFFICE REPORT FOR DIRECTIONS)
IN CA NOS.4784-4785, 4786-4789 & 4790-4793 OF 2019.)

Date : 27-09-2019 These applications were called on for hearing
today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

Counsel for the
parties

Mr. Harish Salve, Sr. Adv.
Mr. G. Prakash, Adv.
Mr. Jishnu M. L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. Pinaki Misra, Sr. Adv.
Mr. Abid Ali Beeran, Adv.

Mr. Rahul Jain, Adv.
Ms. D. Geetha Chowdary,, Adv.
Mr. Gaurav Kumar Singh, Adv.
Ms. Ch. Ramola Priya, Adv.
Mr. Gaurav Kumar, Adv.
Mr. Kumar Ranjan, Adv.

Mr. Romy Chacko, Adv.
Mr. Shakti Chand Jaiswal, Adv.

Mr. Venkita Subramaniam T.R., Adv.
Mr. Rahat Bansal, Adv.
Mr. Likhi Chand, Adv.

By Courts Motion, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard the learned senior counsel appearing for the parties and the Chief Secretary to the State of Kerala. An affidavit has been filed by the Chief Secretary to the State, in which it has been pointed out that steps are being taken to comply with the order passed by this Court. A chart has also been placed (Annexure 'A') giving time frame with respect to each and every action that has to be taken for the purpose of demolition. An oral undertaking has been furnished by the Chief Secretary to abide by the terms and conditions mentioned in the affidavit and the Chart. Let the demolition be started as per the time frame given in Annexure A, supported by the affidavit.

We have heard the learned senior counsel appearing for the parties as well as the Chief Secretary with respect to compensation to be awarded to each of the flat owners as they face the eviction. Without prejudice to their right to the further claim, we direct, at this juncture, let the State Government pay, out of its own funds, a sum of Rs. 25,00,000/- (Rupees Twenty Five Lakhs) to each of the flat owners who are being evicted. Let the amount be paid within four weeks. It is made clear that the amount shall be recoverable from the Builder/Promotor/the persons/officials responsible for raising the construction.

As agreed to by the parties, we further direct that a Committee headed by Hon'ble Mr. Justice K. Balakrishnan Nair (Retd.) be constituted so as to look after the payment of the

amount to each of the flat owners, as well as to work out the actual amount paid. Let the Builder/Promotor/persons/officials responsible for raising the construction may also be associated with the exercise to be done and the actual amount paid by owners may also be ascertained. This is ordered without prejudice to other proceedings which may be taken by the flat owners against the Builder/ Promotor/ persons/officials responsible for raising the construction for realisation of damages/compensation. We order issue of notice to the following persons :-

- 1) M/s Alfa Ventures (P) Ltd., through Sri Paul Raj, Director, G-361, Main Avenue, Panampally Nagar, Kochi - 682036.
- 2) M/s Holy Faith Builders & Developers(P) Ltd., through Sri Sany Francis, Managing Director, TC 34/2353, Mamangalam, Kochi - 682025.
3. M/s Jain Housing & Construction Ltd., through Sri Sandeep Malik, Managing Director, K.C.Abraham Master Road, Panampilly Nagar, Kochi - 682036.
4. K.P.Varkey & Builders through Sri K. V. Jose, Managing Director, 2nd Floor, Metro Apartments, Near Pettah Bridge, Thripunithara, Kochi - 682301.

The Registry is directed to issue notice to the above persons. We attach the properties held by the aforesaid persons as well as their bank accounts.

List for reporting further progress in the matter on 25.10.2019.

In case the compliance, as assured, is done, personal presence of the Chief Secretary is dispensed with until further orders.

It is made clear that in case the compliance is not done, as assured, the Chief Secretary shall remain personally present in Court on the next date of hearing.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER