

ITEM NO.11

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  
RECORD OF PROCEEDINGS

MA.1808-1809/2019 IN

C.A.NOS. 4784-4785/2019, 4786-4789/2019 AND 4790-4793/2019

THE KERALA STATE COASTAL ZONE MANAGEMENT  
AUTHORITY MEMBER SECRETARY

Petitioner(s)

VERSUS

MARADU MUNICIPALITY & ORS.

Respondent(s)

(WITH APPLN(S) FOR IMPLEADMENT, DIRECTIONS, INTERVENTION,  
IA No. 144204/2019 - INTERVENTION/IMPLEADMENT)

Date : 25-10-2019 These matters were called on for hearing today.

CORAM :

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

Counsel for parties

Mr. R. Venkatramani, Sr. Adv.  
Mr. G. Prakash, Adv.  
Mr. Jishnu M.L., Adv.  
Mrs. Priyanka Prakash, Adv.  
Mrs. Beena Prakash, Adv.  
Mr. Yash Raj Singh, Adv.  
Mr. Praveen, Adv.

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Vanshdeep Dalmia, Adv.  
Ms. Devanshi, Adv.  
Suchakshu Jain, Adv.

Mr. P.S. Narshima, Sr. Adv.  
Mr. Haris Beeran, Adv.  
Mr. Mushtaq Salim, Adv.  
Mr. Usman Ghani Khan, Adv.  
Mr. R.S. Jena, Adv.

Mr. R. Basant, Sr. Adv.  
Mr. A. Karthik, Adv.  
Mr. Akshay Sahay, Adv.  
Ms. Smrithi Suresh, Adv.  
Mr. Ankit Juglan, Adv.

Mr. Jayant Muthraj, Sr. Adv.

Mr. Mohammed Sadique T.A., AOR  
Ms. Anu K. Joy, Adv.  
Mr. Alim Anvar, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.  
Mr. K. Rajeev, AOR  
Mr. S.M. Prem, Adv.  
Mr. Shinoj K. Narayanan, Adv.

Mr. V. Krishnamurthy, Sr. Adv.  
Ms. Prachi Bajpai, Adv.

Mr. Mohan V. Katarki, Sr. Adv.  
Mr. Prasanth P., Adv.

Mr Rahul Jain, AOR

Mr. Venkita Subramoniam T.R., Adv.  
Mr. Rahat Bansal, Adv.  
Mr. Varun Mudgal, Adv.

Mr. Gaurav Agrawal, Adv.  
Mr. Ram Niwas Buri, Adv.  
Mr. G.P. Tiwari, Adv.  
Ms. Preeti Singh, Adv.

Mr. Raghenth Basant, Adv.  
Mr. Philip Mathew, Adv.  
Ms. Liz Mathew, Adv.  
Ms. Mahamaya Chatterjee, Adv.

Mr. Shamsudeen, Adv.  
Mr. Abdul Azeem kalebudde, Adv.

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

We have heard learned counsel for the parties at length.

It appears from the Report submitted by the Committee that the consideration which is reflected in the sale deed ranges from Rs.15 Lacs to Rs.21 Lacs etc., whereas this Court has passed an order on the basis of the offer made by the State of Kerala that every flat owner should be paid a sum of Rs.25 Lacs. The amount was paid approximately 10 years before. By now the value of the flat has enhanced. As such, though the view taken by the Committee, (in as much as it decided to disburse the amount reflected in the sale deeds) was proper, however, considering the fact that the value of the flats has increased manifold by now, it would be appropriate to

direct disbursement of compensation of Rs.25 Lacs to each of the flat owner so that they are suitably rehabilitated.

It was also submitted by the learned counsel appearing on behalf of the flat owners that even though they have paid approximately Rs.50 Lacs or more, the actual amount paid has not been reflected in the sale deed as consideration. Sale Deeds were executed by the builders for a lesser amount than the actual payment made to them. We request the Committee to go into this aspect also in case the claim made by the land owners is supported by some documents by obtaining loans etc., and it may determine actually what amount was paid and is payable to them. Disbursement shall be confined at this juncture to Rs.25 Lacs to each flat owner per flat.

We request the Committee to associate builders, flat owners associations etc., in the inquiry proceedings so that it is able to work out the amounts after hearing the interested parties.

It was submitted that certain articles are lying the flats, they may be permitted to be removed. This prayer can be made before the Committee, it may consider and pass suitable order as it may deem fit.

Let the progress report be submitted by the State of Kerala, as per the undertaking of the Chief Secretary that has been furnished, date-wise steps be indicated. It shall be filed three days before the next date of hearing.

A prayer was made for providing copy of the inquiry report. We request the Inquiry Committee to share a copy of the report, which is sent to this Court, with the flat owners as well as the builders, until and unless Committee feels that there is some confidential information which is not to be furnished and only to be sent to this Court.

Since the attachment of the assets of the builders, promoters has been ordered, we direct them to furnish the details of properties and bank accounts in this Court on an affidavit before the next date of hearing.

We also direct the builders to deposit a provisional amount of

Rs.20 Lacs, for the time being, within a period of one month from today with the Committee appointed by this Court. The apportionment of the liability among the builders to be determined by the Committee. If the Committee feels so, it may direct some more amount to be deposited by the builders. The amount determined by the Committee shall be permitted to be transferred to the account of the Committee by each builders. To that extent the attachment of account shall not come in the way of transfer of amount.

Mr. Sesil Joseph S/o. K.V. Joseph is permitted to file intervention application in this matter and office may accept other intervention applications as well.

List on 22.11.2019.

(NARENDRA PRASAD)  
COURT MASTER

(PRADEEP KUMAR)  
COURT MASTER