

ITEM NO. 13 + 55

COURT NO.3

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 OF 2019

IN

CA NOS.4784-4785, 4786-4789 & 4790-4793 OF 2019)

THE KERALA STATE COASTAL
ZONE MANAGEMENT AUTHORITY

Petitioner(s)

VERSUS

MARADU MUNICIPALITY & ORS.

Respondent(s)

(MA. 1808-1809 OF 2019 IN CA NOS.4784-4785, 4786-4789 & 4790-4793
OF 2019)

IA No. 166355/2019 - APPLICATION FOR PERMISSION
IA No. 164801/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 172049/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 163011/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 166357/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 164264/2019 - INTERVENTION APPLICATION
IA No. 163399/2019 - INTERVENTION APPLICATION
IA No. 163234/2019 - INTERVENTION APPLICATION
IA No. 172044/2019 - INTERVENTION APPLICATION
IA No. 144204/2019 - INTERVENTION/IMPLEADMENT
IA No. 164799/2019 - INTERVENTION/IMPLEADMENT
IA No. 163007/2019 - INTERVENTION/IMPLEADMENT
IA No. 158544/2019 - MODIFICATION)

with

Contempt Petition (C) No. 1162-1163 of 2019 in MA No. 1808-
1809/2019 in C. A. No. 4784-4785 of 2019, C. A. No. 4786-4789/2019
and C.A.No. 4790-4793 of 2019

Date : 22-11-2019 These applications were called on for hearing
today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

Counsel for the
parties

Mr. Dushyant Dave, Sr. Adv.
Mr. Vanshdeep Dalmia, Adv.
Mr. Suchakshu Jain, Adv.
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Mr. Usman Ghani Khan, Adv.
Mr. Azhar Assees, Adv.
Mr. R. S. Jena, Adv.
Ms. Adithi Tripathi, Adv.

Mr. R. Basant, Sr. Adv.
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Mr. Mohan v. Katarki, Sr. Adv.
Mr. Rohit Kumar Singh, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.
Mr. K. Rajeev, Adv.
Mr. Shinoj K. Narayanan, Adv.

Mr. V. Krishnamurthy, Adv.
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Ms. Ramola Priya, Adv.
Mr. Gaurav Kumar, Adv.
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Mr. Likhi Chand Bonsle, Adv.

Mr. Ram Niwas Buri, Adv.
Mr. G. P. Tiwari, Adv.
Ms. Preeti Singh, Adv.
Mr. Gaurav Aggrawal, Adv.
Mr. Suraj Krishna B. S., Adv.

By Courts Motion

Mr. K. Rajeev, AOR
Mr. Mohammed Sadique T.A., AOR
Mr. Radha Shyam Jena, AOR
Mr. A. Karthik, AOR
Mr. Rohit Kumar Singh, AOR
Mr Rahul Jain, AOR
Mr. Abdul Azeem Kalebudde, AOR

Ms. Preeti Singh, AOR
Mr. Vanshdeep Dalmia, AOR
Mr. Prasanth P., AOR
Ms. Prachi Bajpai, AOR

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

Heard the learned counsel for the parties.

An affidavit has been filed by the Chief Secretary to the State of Kerala on 25.10.2019 pointing out the steps taken. It is stated by the learned counsel that the compliance of the order is under process and full compliance will be reported, as assured. The statement is placed on record.

It is pointed out in the affidavit that certain amounts have been disbursed, however, a sum of Rs. 61.50 Crores may be ordered to be deposited by the builders with the State Government. Justification in that regard has been given in Paragraph 3 of the affidavit.

We request the Committee to direct the respective builders to deposit a sum of Rs. 61.50 Crores, which is required to be disbursed. However, the State Government shall not delay the release of the amount as directed and shall not wait for the amount to be deposited by the builders. Let the State Government carry out compliance as envisaged in the previous orders. The Committee shall take care of the disbursement of the amount as expeditiously as possible.

It was pointed out by Mr. Dushyant Dave, learned senior counsel, that there are certain disputes as to the amount which has been released by the builders and for other damages and thus, permission may be granted to the flat owners to have resort to the appropriate proceedings against the builders/promoters etc. in accordance with law. We clarify that our order on disbursement of the compensation shall not come in the way of the flat owners in filing appropriate proceedings, civil or criminal, for redressal of their grievances in accordance with law.

Mr. R. Basant, learned senior counsel appearing on behalf of M/s Holy Faith Builders & Developers Pvt. Ltd. and Mr. K. Rajeev, learned counsel appearing on behalf of ALFA Ventures Pvt. Ltd., have prayed for disposal of certain properties. Let the prayer be made before the Committee and the Committee would be free to examine whether the properties are required to be auctioned or not and, if it deems fit, it would be free to auction the other properties in accordance with law. In case of any difficulty, let the Committee put up its report to this Court. We make it clear that we have not examined the merits of the prayer and its

desirability. It is for the Committee to examine all aspects.

List the matter in the second week of January, 2020.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER