

ITEM NO.21

COURT NO.5

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

Miscellaneous Application Nos. 1808-1809/2019 in C.A. Nos. 4784-4785/2019, C.A. Nos. 4786-4789/2019 and C.A. Nos. 4790-4793/2019

(Arising out of impugned final judgment and order dated 08-05-2019 in C.A. No. No. 4784/2019 08-05-2019 in C.A. No. No. 4785/2019 08-05-2019 in C.A. No. No. 4786/2019 08-05-2019 in C.A. No. No. 4787/2019 08-05-2019 in C.A. No. No. 4788/2019 08-05-2019 in C.A. No. No. 4789/2019 08-05-2019 in C.A. No. No. 4790/2019 08-05-2019 in C.A. No. No. 4791/2019 08-05-2019 in C.A. No. No. 4792/2019 08-05-2019 in C.A. No. No. 4793/2019 passed by the Supreme Court of India)

**THE KERALA STATE COASTAL ZONE MANAGEMENT
AUTHORITY MEMBER SECRETARY**

Petitioner(s)

VERSUS

MARADU MUNICIPALITY & ORS.

Respondent(s)

(IA No. 166355/2019 - APPLICATION FOR PERMISSION
IA No. 143556/2021 - APPLICATION FOR PERMISSION
IA No. 72620/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 172049/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 24150/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 128339/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 163011/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 71200/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 6147/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 166357/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 24126/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 70546/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 74082/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 1690/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 23986/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 70170/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 73422/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 159203/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 164801/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 64827/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 177841/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 114391/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 73098/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 23808/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 24263/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 23294/2021 - CLARIFICATION/DIRECTION
IA No. 22127/2020 - CLARIFICATION/DIRECTION
IA No. 95465/2021 - CLARIFICATION/DIRECTION
IA No. 60072/2022 - CLARIFICATION/DIRECTION

IA No. 59720/2022 - CLARIFICATION/DIRECTION
 IA No. 112347/2020 - CLARIFICATION/DIRECTION
 IA No. 23900/2020 - CLARIFICATION/DIRECTION
 IA No. 60096/2021 - CLARIFICATION/DIRECTION
 IA No. 5882/2021 - CONDONATION OF DELAY IN FILING THE WRITTEN
 SUBMISSION

IA No. 72622/2021 - CORRECTION OF MISTAKES IN THE JUDGMENT
 IA No. 114373/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 114394/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 97554/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 114388/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 126692/2020 - INITIATING CONTEMPT PROCEEDINGS
 IA No. 163399/2019 - INTERVENTION APPLICATION
 IA No. 174269/2019 - INTERVENTION APPLICATION
 IA No. 163234/2019 - INTERVENTION APPLICATION
 IA No. 95463/2021 - INTERVENTION APPLICATION
 IA No. 172044/2019 - INTERVENTION APPLICATION
 IA No. 128337/2020 - INTERVENTION APPLICATION
 IA No. 194468/2019 - INTERVENTION APPLICATION
 IA No. 178028/2019 - INTERVENTION APPLICATION
 IA No. 164264/2019 - INTERVENTION APPLICATION
 IA No. 24261/2020 - INTERVENTION/IMPLEADMENT
 IA No. 114385/2020 - INTERVENTION/IMPLEADMENT
 IA No. 24148/2020 - INTERVENTION/IMPLEADMENT
 IA No. 114370/2020 - INTERVENTION/IMPLEADMENT
 IA No. 74536/2021 - INTERVENTION/IMPLEADMENT
 IA No. 163007/2019 - INTERVENTION/IMPLEADMENT
 IA No. 144204/2019 - INTERVENTION/IMPLEADMENT
 IA No. 23983/2020 - INTERVENTION/IMPLEADMENT
 IA No. 73381/2021 - INTERVENTION/IMPLEADMENT
 IA No. 164799/2019 - INTERVENTION/IMPLEADMENT
 IA No. 177839/2019 - INTERVENTION/IMPLEADMENT
 IA No. 110187/2020 - MODIFICATION OF COURT ORDER
 IA No. 96010/2021 - MODIFICATION OF COURT ORDER
 IA No. 194470/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 178030/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 113938/2020 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

IA No. 22119/2020 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 96008/2021 - REIMBURSEMENT OF EXPENSES
 IA No. 71203/2021 - WITHDRAWAL OF CASE / APPLICATION)

WITH

CONMT.PET.(C) No. 1162-1163/2019 in MA 1808-1809/2019 in C.A. No. 4784-4785/2019, C.A. No. 4786-4789/2019 and C.A. No. 4790-4793/2019 (XI-A)
 (IA No. 130417/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 113454/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 130416/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 19148/2021 (XI-A)

(IA No. 100912/2021 - APPLICATION FOR PERMISSION)

Date : 02-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For the parties :

Mr. Gaurav Agarwal, AOR (A.C.)

By Courts Motion, AOR

Mr. Sachin Patil, AOR

Mr. Geo Joseph, Adv.

Ms. Prachi Bajpai, AOR

Mr. G. Prakash, AOR

Mr. Siddharth Dave, Sr. Adv.

Mr. A. Karthik, AOR

Mr. Akshay Sahay, Adv.

Mr. Arsh Khan, Adv.

Mr. Aditya Vaibhav Singh, Adv.

Ms. Smrithi Suresh, Adv.

Ms. Madhushree Maitra, Adv.

Mr. Kapil Sibal, Sr. Adv.

Mr. Haris Beeran, Adv.

Mr. Mushtaq Salim, Adv.

Mr. Usman Ghani Khan, Adv.

Mr. Azhar Assees, Adv.

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Ms. Anu K. Joy, Adv.

Mr. Alim Anvar, Adv.

Mr. Abraham C. Mathews, Adv.

Mr. Abdul Azeem Kalebudde, AOR

Mr. Ranjith K. C., AOR

Ms. Liz Mathew, AOR

Ms. Pallavi Pratap, AOR

Mr. Mahabir Singh, Sr. Adv.

Mr. Ram Niwas Buri, Adv.

Mr. Suraj Krishna B.S., Adv.

Dr. L.D. Kiradoo, Adv.

Mr. Rishabh Sharma, Adv.

Ms. Preeti Singh, AOR

Ms. Meenakshi Arora, Sr. Adv

Mr. Shishir Pinaki, AOR

Mr. Vanshdeep Dalmia, AOR

Mr. V. Chidambaresh, Sr. Adv.

Bijo Mathew, Adv.

Mr. Manu Krishnan G., Adv.

Mr. Seshatalpa Sai Bandaru, AOR

Mr. Prashant Padmanabhan, AOR

Mr. Lakshmeesh S. Kamath, AOR

Ms. Samriti Ahuja, Adv.

Ms. Prachi Bajpai, AOR

Mr. Amit Kumar, Adv.

Mr. Ziya Ahmad, Adv.

Mr. Kailas Bajirao Autade, AOR

Mr Rahul Jain, AOR

Mr. Rohit Kumar Singh, AOR

Mr. Hitesh Kumar Sharma, Adv.

Mr. S.K. Rajora, Adv.

Mr. Siddharth S. Sawant, Adv.

Mr. E. Vinay Kumar, Adv.

Ms. Sarita Sharma, AOR

Mr. Rana Mukherjee, Sr. Adv.

Mr. K. Rajeev, AOR

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

Issue No.2 - Application by the State Government for recovery of the amounts paid by the State Government to the flat owners

On 27.09.2019, this Court directed the State Government to pay an amount of Rs.25,00,000/- (Rupees twenty five lakhs only) to each of the flat owners who were evicted, within four weeks. It was made clear in the said order that the amount would be recoverable from the Builder/Promoter/the persons/officials responsible for the illegal

construction.

The said direction was complied with by the State Government and an affidavit was filed by the Chief Secretary, State of Kerala on 25.10.2019. The State Government sought a direction from this Court that the builders should reimburse the amount to be paid to the flat owners. By an order dated 22.11.2019, the Committee appointed by this Court under the Chairmanship of Justice K. Balakrishnan Nair was requested to direct the respective builders to deposit an amount of Rs.61.50 crores with the State Government. The Committee has submitted a report on 24.03.2022 by which the amount that has to be paid by the builders to the State Government has been determined.

On behalf of the builders, it was submitted that even according to the order passed by this Court on 27.09.2019, it is necessary to find out who is responsible for the illegal construction before determining the quantum of liability.

At present, we are concerned with the amount of Rs.61.50 crores, which has been paid by the State Government to the flat owners, being refunded to the State Government by those responsible for the illegal construction.

We request Justice Thottathil B. Nair Radhakrishnan, Chief Justice (Retd.), Calcutta High

Court to enquire about the involvement of Builder/Promoter/persons/officials responsible for the illegal construction of the buildings which have already been razed to the ground. The State Government shall provide the necessary facilities and extend all cooperation to Justice Thottathil B. Nair Radhakrishnan for completing the enquiry expeditiously. The builders of the flats are also directed to appear before Justice Thottathil B. Nair Radhakrishnan as and when summoned. Justice Thottathil B. Nair Radhakrishnan may determine the fee for conducting enquiry which shall be paid by the State Government initially subject to further orders of this Court.

We request Justice Thottathil B. Nair Radhakrishnan to conduct the enquiry expeditiously and submit the report by the 2nd week of July, 2022.

List on 18.07.2022.

Issue No.3- Claim of interest by the flat owners

Heard.

Arguments concluded.

Order reserved.

Written submissions, if any, be filed, within two days.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master