

OUT TODAY

ITEM NO.11

COURT NO.4

SECTION X

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS****Writ Petition(s)(Civil) No(s).735/2019****SEIL JOSEPH & ORS.****Petitioner(s)****VERSUS****UNION OF INDIA & ORS.****Respondent(s)**

(FOR ADMISSION and IA No.87213/2019-EXEMPTION FROM COMPLYING WITH S.C. RULES and IA No.87214/2019-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.87212/2019-APPROPRIATE ORDERS/DIRECTIONS
IA No.87900/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No.87901/2019 - EXEMPTION FROM FILING O.T.)
WITH

W.P.(C) No.734/2019 (X)

(FOR ADMISSION and IA No.87202/2019-EXEMPTION FROM COMPLYING WITH S.C. RULES and IA No.87205/2019-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.87199/2019-APPROPRIATE ORDERS/DIRECTIONS
IA No. 87525/2019 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 10-06-2019 These petitions were called on for hearing today.**CORAM :**

**HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE AJAY RASTOGI
(VACATION BENCH)**

For Petitioner(s) **Mr.Debal Banerji, Sr.Adv.**
In WP(C)735/19) **Mr.Ram Niwas Buri, Adv.**
 Mr.Rakesh Dahiya, AOR
 Mr.Suraj Krishna B.S., Adv.
 Mr.Aditya Dahiya, Adv.

In WP(C)734/19 **Mr.Maninder Singh, Sr.Adv.**
 Mr.Ram Niwas Buri, Adv.
 Mr.G.P.Tiwari, Adv.
 Ms.Preeti Singh, Adv.
 Mr.Suraj Krishna B.S., Adv.
 Ms. Preeti Singh, AOR

For Respondent(s)

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

Learned senior counsel appearing on behalf of the writ petitioners submits that this Court by its Order dated 27.11.2018 directed that a Three-Member Committee consisting of the Secretary, Local Self Government Department, the Chief Municipal Officer of the concerned Municipality and the Collector of the District be constituted to hear the objections to the show-cause notice dated 04.06.2007 for removal of the buildings in question. The Committee was directed to hear the affected parties as well as the Kerala State Coastal Zone Management Authority and the State Government, and to submit a report to this Court. It is the case of the writ petitioners that a report has been submitted but without giving the petitioners, who are the owners of flats in the buildings in question, any opportunity of hearing. It is urged by the learned senior counsel that the attention of this Court was not drawn to the fact that the flat owners had not been given an opportunity of hearing, as directed by this Court, by its earlier order dated 27.11.2018. It is also submitted that the Ministry of Environment, Forest & Climate Change has conveyed its approval of the Coastal Zone Management Plans (CZMPs) in respect of all the 10 coastal districts of Kerala viz. Kasaragod, Kannur, Kozhikode, Malappuram, Thrissur, Ernakulam, Kottayam, Alappuzha, Kollam and Thiruvananthapuram. However, it was submitted before the Court that approval was pending.

This Court by its order dated 08.05.2019 directed the structures to be removed forthwith within a period of one month from 08.05.2019 in view of the findings of the Enquiry Committee. It would not be appropriate for this Bench to pass any order to the

contrary.

Judicial propriety demands that we direct that these writ petitions be listed before the Bench which passed the Order dated 08.05.2019.

Issue notice to the respondents, in the meanwhile.

Let the matter be listed in the first week of July, 2019.

For a period of six weeks or until further orders whichever is earlier, there will be an interim order restraining the respondents from demolishing the buildings in question.

(SATISH KUMAR YADAV)
AR-CUM-PS

(SUMAN JAIN)
COURT MASTER