

ITEM NO.33

COURT NO.2

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10406/2024

[Arising out of impugned final judgment and order dated 21-08-2023 in CONC No. 1630/2023 27-11-2023 in CA No. 9/2023 01-02-2024 in IA No. 1/2024 passed by the High Court of Kerala at Ernakulam]

SURESH K

Petitioner(s)

VERSUS

A. KAUSHIKAN

Respondent(s)

(IA No.74913/2024-CONDONATION OF DELAY IN FILING and IA No.74916/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.74914/2024-EXEMPTION FROM FILING O.T., IA No. 74913/2024 - CONDONATION OF DELAY IN FILING, IA No. 74916/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 74914/2024 - EXEMPTION FROM FILING O.T.)

Date : 18-11-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. Abdulla Naseeh V.t., AOR
Ms. Rachel Sara James, Adv.
Ms. Abreeda Banu, Adv.

For Respondent(s)

Mr. C. K. Sasi, AOR
Ms. Meena K Poullose, Adv.

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

1. The respondent has placed on record an affidavit of Dr. A. Kowsigan I.A.S., Land Revenue Commissioner, Land Revenue

Commissionerate, Vikas Bhavan P.O, Thiruvananthapuram, Kerala.
In paragraphs 8 and 9 of the said affidavit, it is stated
thus:

"8. Since the Municipal Council has approved the estimate of only Rs.7,50,000/- for the construction of granite stone wall, another estimate for construction of concrete wall was taken. The Project Engineer, Nirmithy Kendra reported an estimate of Rs.18.35 lakhs for the construction of the concrete wall. Since only Rs. 7,50,000/- has been allotted by the Municipal Council, a new estimate for the balance amount has to be placed before the Municipal Council and the work can be started only after obtaining the approval for the balance amount.

9. It is stated that earnest efforts has been taken by the Government officials to carry out the construction work in compliance of the direction of this Hon'ble Court. The work could not be completed due to the insistence of the petitioner for construction of concrete wall instead of granite stone wall. It is submitted that the construction will start immediately after the approval of new estimate by the Municipal Council. In the said circumstances further time of three months may kindly be granted for completion of the construction of the protective wall in the property of the petitioner, in the interest of justice."

2. We find that if the complete wall is constructed, the problem would stand solved permanently.
3. The said statement is taken on record.
4. List these matters after three months for compliance.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)