

ITEM NO.10

Virtual Court 3

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.10567/2020

(Arising out of impugned final judgment and order dated 18-12-2019 in WA No. 2264/2019 passed by the High Court of Kerala at Ernakulam)

K.R MONIAMMA

Petitioner(s)

VERSUS

KRISHNA MAHADEVAN @ MAHADEVAN & ORS.

Respondent(s)

(With appln.(s) for interim relief, c/delay filing, exemption from filing c/c of the impugned judgment, exemption from filing O.T., c/delay in refiling and permission to file additional documents/facts/Annexures)

Date : 17-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. M. Gireesh Kumar, Adv
Mr. Ankur S. Kulkarni, AOR

For Respondent(s)

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

- 1 Delay condoned.
- 2 The learned Single Judge held that though the rules do not specifically contemplate an opportunity of being heard to

an objector to oppose the regularization of an illegal construction, the petitioner who is a property owner in close proximity, ought to be heard. The Division Bench of the High Court in a writ appeal has interfered with the judgment of the learned Single Judge on the ground that no express provision for hearing an objector is made in the rules. Mr M Gireesh Kumar submits that the interests of the petitioner are directly affected by the order of regularization and hence he ought to have been heard.

2 Issue notice, returnable in eight weeks.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER