

MEMORANDUM TO CABINET BY THE HON. MINISTER OF PUBLIC BUILDING & WORKSCourt sentence to Demolish Unauthorized building
erected by C.P.L. Development Ltd. at Attard

Messrs. C.P.L. Development Ltd. has erected a villa at S'Kara Rd Attard ~~without the necessary~~ necessary Planning Area Permits Board permit,

Legal proceedings were instituted against the Company and on the 13th August 1968 the Court of Magistrates of Judicial Police sentenced the Company to demolish the unauthorized buildings under a penalty of 10/- per diem in default. The Company gave notice of appeal and have submitted their case for my consideration.

The fact of the case is as follows:-

On the 20th January 1967, the Planning Area Permits Board issued a letter of intent to the Company, outlining the conditions to be followed and requested them to submit detailed drawings for checking and for eventual issue of the planning permit.

Instead of complying with the Board's request, and awaiting a formal permit Messrs. C.P.L. Ltd took in hand the construction of the building. Because of this the alignment was not set out on the ground and the company in building did not adhere to the official alignment approved by the Department, and the villa encroached by 5 feet on the proposed 60 foot road. Messrs C.P.L. Ltd. maintained that they followed the alignment given on the plan enclosed with the letter of intent. It is to be pointed out that this is quite contrary to the procedure which applies and which is followed by the local architects as this plan should not be taken as the official alignment. The official alignment in set by the Department Surveyor after the necessary application is made by the applicant.

In an effort to remedy their position and to get out of the demolition of the offending structure as ordered by the court Messrs C.P.L. Ltd are now requesting the Department to change the approved scheme by reducing the width of the road from 60 feet to 55 feet. As a "quid pro quo" compromise, the Company are ready to sign a legal agreement whereby the adjoining plot of land will be left free of any buildings and will be incorporated with the villa as a garden with swimming pool.

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As the 60 foot width applies only to a short stretch of road and as the compromise solution offered removes the risks of adverse affection to third party interests.

The Director of Public Works is not against such an arrangement but suggested that a formal legal instrument be drafted in order to make certain that no buildings would ever go up on this plot.

It may be pertinent to point that even though the Court sentenced the Company to demolish the building, work on the villa went on incessantly.

Hon. Ministers are requested to decide whether the proposal for a change in the official alignment should be accepted or whether the Court sentence be implemented.

Copy of Court Sentence enclosed.

22nd November, 1968.