

13th March 2019.

The Planning and Environment Review Tribunal,
Floriana.

Dear Sir,



Case no ~~EC/00054/17~~ – EC/00055/17 – EC/00056/17



Site location : Site at Triq Antonio Miruzzi, Vjal l-Inidpendenza, Mosta, Malta

I am instructed by my client Mrs. Agnes Gera de Petri Testaferrata Bonici Ghaxaq to appeal from the above-mentioned enforcement notice recently brought to her attention. She has never been served with the said enforcement notice and it was only recently brought to her notice by a letter of the 27th February, 2019, from the planning authority here enclosed. She deems herself aggrieved by the said notice and is appealing from same.

It would appear that the public authority had expropriated as a Building Development Area land from her power, land in which she had an undivided interests, and then on that basis the public authority proceeded to take possession of the land, as it was empowered to do, and proceeded to effect works on the same land, which, being done by a public authority in Malta she would assume were done in accordance with the law and with all the required permits. The authority dumped the excavated land on to the land site in contestation. She was in no manner involved in these works and was not consulted or informed as the public authority was acting as such in virtue of the powers it enjoyed at law. After carrying out such works as the public authority deemed necessary, the same authority proceeded to relinquish a parcel of land to the original owners as apparently this was no longer required by the authority.

On the basis of such facts, which she is able to prove to this appeals board, she cannot see how remotely an enforcement notice can be issued against her or she can be legally required to undo what the public authority did. If anything, the same notice should be issued against the public authority and it is the said public authority which did the works in the first place which can be required by another public authority to put matters right or to be mulcted for acting without the required permit. This last bit the undersigned finds hilarious as he cannot imagine how the public authority can act against the public interest in a manner which is not according to law. If that is so certainly then the fault may not be placed on the doorstep of the private citizen. A sense of elementary decency, and not legality would require this.

The enforcement notice is therefore wrongly addressed to her as a co-owner of the land in question and should be revoked.

She would intend summoning the following witnesses some of their names unknown to the undersigned or his client.

Herself and her husband Mr. Alfred Gera de Petri to witness to the above;

The appropriate officers in the public authority concerned with the works, being presumably the works department or the transport authority, and their architects, and officers of the Planning Authority to give evidence on what actually happened.

I remain,

Yours,



Professor Ian Refalo.