

Confidential

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

30th MEETING

Agenda & Notes

Venue : Sasthra Bhavan,
Pattom,
Thiruvananthapuram.

Date & Time: 3.00PM on 14th May, 2009.

KERALA COASTAL ZONE MANAGEMENT AUTHORITY
SASTHRA BHAVAN, PATTOM, THIRUVANANTHAPURAM – 695 004.

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

30th MEETING

Date & Time

14th May, 2009

3.00PM

Venue

Sasthra Bhavan,

Pattom, Tvpm.

Agenda Items

- 30.1 : Confirmation of the Minutes of 29th Meeting**
- 30.2 : Action taken report on the decision of 29th Meeting.**
- 30.3 : Consideration of New Agenda Item.**
- 30.3.1 : Pappinissery Grama Panchayath -Construction of auditorium over a two storeyed building – reg.**
- 30.3.2 : Judgment in WP©No.25880/08 filed by Shri.K.L.Edwin – reg.**
- 30.3.3 : Construction of building ‘Prestige Forum Mall’ Maradu Grama Panchayath by M/s.Thomsun Realtors-reg.**
- 30.3.4 : Construction of dwelling units near Pokkali Wetland Ecosystem – Subcommittee report –reg.**
- 30.3.5 : TRP- Construction of houses in Beypore, Kozhikode – CRZ clearance – Request-reg.**
- 30.3.6 : Establishment of Chitin Unit by M/s.A.S.Traders in CpRZ area – request for review -reg.**
- 30.3.7 : Construction of Motor Shed for agricultural purpose – Kottuvally Grama Panchayath -reg.**
- 30.3.8 : Kottuvally Grama Panchayath – Request for relaxation of CRZ rules -reg.**
- 30.3.9 : Renovation of building in CRZ area – Application of Shri.Reghunathan & Smt.Latabhai, Neendakara Grama Panchayat –reg.**

- 30.3.10 : Construction of Coastal Security Police Station, Thottappally, Alappuzha – reg.**
- 30.3.11 : TRP Scheme – Construction of Anganvady Building – Pattanakkad Grama Panchayath, Alleppey – reg.**
- 30.3.12 : Allotting building number to houses constructed on the seashore by fishermen people – reg.**

Agenda Item No.30.1

Consideration of the minutes of the 29th meeting of Kerala Coastal Zone Management Authority

The minutes of the meeting (copy at Annexure I) may be considered for approval.

Agenda Item No.30.2

Action Taken Report(29th KCZMA)

Agenda Item No	File No	Subject	Action taken
29.3.1	2163/A2/08/S&TD	Establishment of Chitin Unit by M/s.A.S.Traders in cRZ area - Punnapra Grama Panchayath	Decision communicated to Secretary, Punnapra Grama Panchayath on 22.3.2009
29.3.2	2194/A2/08/S&TD	Construction of a building in CRZ area in Orumanayoor Grama Panchayath - Application of Smt.Femina Shamsuddin -reg.	Permission granted . communicated to Secretary, Orumanayoor Grama Panchayath on 31.3.2009
29.3.3	2294/A2/08/S&TD	Construction of building in CRZ area, Kadakkavur Grama Panchayath - Application of Shri.Abhimanyu & Smt.Saraswathy.	Case referred to the Subcommittee constituted vide G.O. (Rt)14/09/S&TD
29.3.4	2435/A3/08/S&TD	Munniyur Grama Panchayath- reclassification of CRZ area - reg	Recommended to MoEF, GOI with a copy to MS, KSCSTE on 30.3.2009
29.3.5	39/A3/09/S&TD.	Thalassery Municipality-Victoria Hotel Building construction(additional) in ward No.50 -CRZ clearance - reg.	Letter issued to the applicant for remitting scrutiny fee on 4.5.2009. Reply awaited.
29.3.6	248/A2/09/S&TD.	Construction of houses in No Development Zone of CRZ	Recommended and forwarded to Govt. of

		area under EMS Housing Scheme – Punnapra Grama Panchayath	India on 3.4.2009
29.3.7	265/A2/09/S&TD	Vechoor Grama Panchayath – request for exemption from CRZ Notification - reg.	Decision communicated to the Secretary, Vechoor Grama Panchayath on 25.3.2009
29.3.8.	267/A2/09/S&TD	Construction of houses in CRZ area in Perinad Grama Panchayath – Application of smt.Jayasree - reg.	Recommended and forwarded to the case to Govt. of India on 30.3.2009
27.3.9	269/A2/09/S&TD	Construction of Police Quarters in Vizhinjam GRama Panchayath	Case rejected. Decision communicated to Secretary, Vizhinjam Grama Panchayath & Home Department on 15.4.2009
29.3.10	277/A2/09/S&TD	Compliance of judgment – Authorising Chairman, KCZMA to conduct hearings on behalf of KCZMA-reg.	Noted the decision
29.3.11	310/A2/09/S&TD	Kottuvally Grama Panchayath – issuance of building numbers in CRZ area – request from Secretary, Kottuvallu Grama Panchayath-reg .	Decision Secretary Kottuvally Grama Panchayath on 25.4.2009
29.3.12	355/A2/09/S&TD	Matsyafed – TRP of Fish Meal Plant – CRZ clearance –reg.	Recommended and forwarded the case to Govt. of India on 30.3.2009
29.3.13	181/A2/09/S&TD	Interim Order dated 13.2.2009 in WP©No.12968/08	Issued G.O.(Rt)33/09/S&TD dated 21.3.2009
29.3.14	377/A3/09/S&TD	Construction of School Building – Kadalundi Grama Panchayath – Request for CRZ clearance –reg.	Clearance issued vide letter No Dated 21.3.2009.
29.3.15	1764/A2/08/S&TD	CRZ Status of Sy.No.619/5 in	Decision communicated

		Azhikode South Village - Construction of building - reg.	to Secretary, Azhikode Grama Panchayath on 6.4.2009.
29.3.16	382/A2/09/S&TD	Matsyafed - MPEDA assisted Community Peeling Centre at Sakthikulangara Harbour	Decision communicated to Managing Director, Matsyafed on 31.3.2009
29.3.17	212/A2/09/S&TD	TRP - Construction of houses in Beypore , Kozhikode - CRZ clearance - request - reg.	Case deferred
29.3.18	610/A2/09/S&TD	Demarcation of areas of outstanding beauty along the coastal stretches of the State - reg.	Subcommittee constituted vide G.O. (Rt)42/09/S&TD dated 5.5.09

Agenda Item No.30.3.1

File No.1057/A3/08/S&TD

Pappinissery Grama Panchayat – Construction of auditorium over a two

Storeyed building

The Chief Town Planner has pointed out a case where he is requested to sanction the construction of an auditorium over an existing two storeyed Shopping Complex by Smt.Sreeja Rajan, in Pappinissery Grama Panchayat, Kannur.

The site lies in resurvey No.214/11 of Pappinissery Village and is in CRZ I. The existing building was built after 19.2.1991 and lies at a distance of 108.20m from the banks of Valappattanam river. During high tide the northern, western and southern sides of plot are flooded. The area is ecologically fragile and full of mangroves. The proposed site is within the buffer zone of mangroves and is within the High Tide Line of Valappattanam river. The Chief Town Planner has sought the views of KCZMA in the matter.

The Pappinissery Panchayat through the Local Self Government Department has informed that the existing building was constructed without clearance from the KCZMA and based on the direction from KCZMA, the Panchayat has given notice to demolish the structure. The owner of the building in turn has stated that the construction was with the approval of the Panchayat and that building tax is being paid from 2001. She has also filed a Writ Petition before the Hon'ble High Court challenging the notice by the

Panchayat. Since the Panchayat has not passed any final orders and what was served by the Panchayat was only a Show Cause Notice, the case was not considered by the Hon'ble court and the petitioner was directed to move for suitable remedies if aggrieved by the decision of the Panchayat when final orders are passed. The Panchayat has requested for direction on the future course of action.

The relevant report of the Pappinissery Grama Panchayat is placed below as Annexure 1(a).

It is noticed that the Panchayat should have been aware of the provisions of CRZ Notification while sanction was issued for construction of the existing building since the CRZ rules are being implemented through the Local Self Government Department.

Point for decision

The KCZMA may take note of the situation and advise whether the Panchayat may be directed to take suitable action against the aforesaid violation, without prejudice to the directions, if any, from any court of law.

Agenda Item No.30.3.2

File No.1881/A2/08/S&TD

Judgment in WP©No.25880/08 filed by Shri.K.L.Edwin

Shri.K.L.Edwin, Kurisingal, Nazreth.P.O., Kochi has filed WP©No.25880/08 challenging the orders of Edavanakkad Panchayat rejecting his application for carrying out certain repairs works in the existing building. The application is rejected in the ground that the land is situated in CRZ III. The Hon'ble High Court in its judgment dated 28.8.2008 has directed the petitioner to move KCZMA for reclassification of the area, if any such reclassification is engaging in the case of Vypeen Island in view of the decision of the High Court in A.C.Parthan Vs.Nayarambalam Grama Panchayat.

Accordingly, the petitioner filed a representation before KCZMA. It is informed therein that he only modifying the existing building. But the Panchayat reported that it is a new construction and the distance between the sea wall and the site is only 23m Hence the proposed construction is not permissible as per CRZ angle.

The decision of the High Court in A.C.Parthan Vs.Nayarambalam Grama Panchayat has already been examined by the KCZMA and decided not to reclassify the Vypeen Islands. The decision has already been communicated to Government of India.

Point for decision

Whether the proposal may be rejected in view of the above.

Agenda Item No.30.3.3

File No.2385/A2/08/S&TD

Construction of building 'Prestige Forum Mall', Maradu Grama

Panchayath by M/s.Thomsun Realtors – reg.

The request for CRZ clearance for the construction of building 'Prestige Forum mall' by M/s.Thomson Realtors in Maradu Grama Panchayath was discussed by KCZMA in its 28th meeting. A Subcommittee was constituted to examine the case in detail. Copy of the Sub Committee report may be seen as Annexure.3(a)

It is reported that a part of the project area is in CRZ-III. It is recommended that the part of the project site which comes under CRZ-III has to be demarcated and permitted activities may be allowed with proper monitoring and the inspection of KCZMA.

Point for decision

Whether the report of the Sub Committee may be accepted and, it so whether the project proposal may be allowed on the conditions stipulated by the Sub Committee.

Agenda Item No.30.3.4

File No.2459/A2/08/S&TD

Construction of dwelling units near Pokkali Wetland ecosystem –

Subcommittee report – reg

KCZMA, in its 28th meeting discussed the question of permitting construction of dwelling units within the buffer zone of Pokkali field/filtration ponds. A Subcommittee has been constituted to examine the possibility of reclassification of Pokkali fields from CRZI(i) category. The report of the Subcommittee may be seen as Annexure 4(a).

Point for decision

Whether the recommendations made in the Subcommittee report may be accepted.

Agenda Item No.30.3.5

File No.212/A3/09/S&TD

TRP – construction of houses in Beypore, Kozhikode – CRZ clearance – request – reg.

The Principal Secretary to Government, Disaster Management Department has proposed a housing project comprising 53 independent houses in Beypore, Kozhikode. The project is situated at a distance of 110m – 160m from the High Tide Line in 6.5 acres of Government land. Now the same residents are staying at about 50m from the High Tide Line. Each proposed house is having an area of 350sq.ft. As per CRZ Rules 1991, no new construction is allowed within 200m from the High Tide Line. The proposal was placed before the 29th meeting of KCZMA and was deferred for detailed discussion in the next meeting. The Disaster Management (TRP Cell) Department has been requested to make a detailed presentation of the proposal in the meeting of KCZMA to be held on 14.5.2009.

Point for decision

Whether the housing project by Disaster Management (TRP Cell) Department for the construction of 53 small independent houses in CRZ III area at Beypore, Kozhikode implemented through KSHB under TRP Programme may be recommended and forwarded to Ministry of Environment and Forests or otherwise based on the presentation and ensuing discussions.

Agenda item No.30.3.6

File No.572/A2/09/S&TD

**Establishment of Chitin Unit by M/s. A.S.Traders in CRZ area – request
for review – reg.**

The proposal for the establishment of a Chitin Unit in the CRZ area of Punnapra Grama Panchayath has been discussed by the KCZMA in its 28th and 29th meetings. The proposal was rejected as it lies within the No Development Zone. Later the project proponent submitted a petition before the Chief Secretary informing that he has availed a loan of Rs.75 lakhs for the purpose and now facing serious financial crisis. Therefore he requested to issue orders permitting to continue with the functioning of the unit.

Point for decision.

Whether the request may be reconsidered, on the basis of the decision taken in the case of fish processing units in the coastal sector.

Construction of Motor Shed for agricultural purpose – Kottuvally Grama

Panchayath – reg.

Secretary, Kottuvally Grama Panchayath requested to issue CRZ clearance for the construction of a motor shed in the buffer zone of Pokkali fields(within 35m). The area of the shed is 139sq.ft. as reported. It is also informed that, this is exclusively for agricultural purpose. A similar case was examined earlier in the 28th meeting, and CRZ clearance granted, on conditional basis.

Point for decision

Whether clearance may be issued for the above construction subject to the following conditions:

- i) Construction should be exclusively for a motor shed for agricultural purpose.***
- ii) Area of the construction should be limited to 100sq.ft and the height shall be limited to the minimum required.***
- iii) Panchayath authorities shall ensure that there is no deviation from the above conditions.***
- iv) In case the construction is used for nay other purpose, the permission will be withdrawn summarily and appropriate measures as per CRZ rules will be initiated.***

Agenda Item No.30.3.8

File No.681/A2/09/S&TD

Kottuvally Grama Panchayat – Request for relaxation of CRZ rules – reg.

Secretary, Kottuvally Grama Panchayat requested to exempt the local inhabitants of the Panchayat from the purview of CRZ Notification 1991. It is reported that the Panchayat could not issue building numbers to the houses constructed under the financial assistance from Government, due to the implementation of the CRZ Notification. List of houses already constructed and the list of beneficiaries for this year was also enclosed with the letter. It is seen that most of the constructions lies within the No Development Zone of CRZ III or buffer zone of CRZ I area.

Earlier similar cases were discussed by the KCZMA, and recommended the case to Government of India for consideration. Moreover a subcommittee has been constituted to examine the CRZ classification in the areas of Pokkali fields/filtration ponds.

Point for decision

Whether the request may be referred to the aforesaid Sub Committee for consideration and/or concurrently recommended to Government of India.

Agenda Item No.30.3.9

File No.728/A2/09/S&TD

Renovation of building in CRZ area – Application of Sri.Reghunathan &

Smt.Latabhai, Neendakara Grama Panchayath

Secretary, Neendakara Grama Panchayath submitted application for CRZ clearance for the renovation of an old existing building with a plinth area of 40sq.m at 70m from the banks of Kayal. The area is No Development Zone of CRZ III. The proposed reconstruction is of plinth area 39.29sq.m. As per the CRZ Notification 1991, repair/modification of existing authorized structure only can be permitted in the above area.

Point for decision.

Whether the proposal for the reconstruction of an old building without increasing plinth area may be permitted.

Agenda Item No. 30.3.10

File No.729/A2/09/S&TD

Construction of Coastal Security Police Station, Thottappally, Alappuzha

- reg.

Superintendent of Police, Alappuzha vide letter dated 17.3.2009 requested for CRZ clearance for the construction of Coastal Security Police Station at Thottappally. The estimated cost of the project is around 57 lakh. Setting up of Coastal Police Station in the CRZ area can be treated as projects requiring waterfront, as per direction of Government of India.

The proposal for the construction of Coastal Police Station was discussed by the KCZMA in its 26th meeting and recommended the same to Government of India. Now the department has submitted the revised project proposal.

Points for decision

Whether the case may be considered and CRZ clearance may be issued subject to the following conditions:

- i) Only Police Station building shall be permitted and no other construction like quarters, etc. shall be undertaken.***
- ii) The overall height of the building shall not be more than 9m and not more than 2 floors(ground floor plus first floor)***

- iii) The construction shall be consistent with surrounding landscape and local architectural style.***
- iv) Ground water shall not be tapped within 200m of High Tide Line and other conditions laid down in the notification.***
- v) All other relevant rules regarding construction in the CRZ area shall be followed strictly.***
- vi) The purpose shall not be changed and no other activities shall be taken place in the proposed site.***

Agenda Item No.30.3.11

File No.730/A2/09/S&TD

**TRP Scheme-Construction of anganvadi building – Pattanakkad Grama
Panchayat, Alleppey.**

Director, Social Welfare Department has submitted a request for exempting the construction of Anganvadi building under TRP Scheme in Pattanakkad Grama Panchayat, from the purview of CRZ Notification 1991. The estimated cost is Rs.3,50,000/-

Point for decision

Whether the proposal for the construction of Anganvadi building in Pattanakkad Grama Panchayat may be recommended and forwarded to Government of India since the project is under TRP.

Agenda Item No. 30.3.12

File No. 759/A3/09/S&TD

**Allotting building number to houses constructed on the sea shore by
fishermen people.**

The fishermen people in Onjiyam Grama Panchayat in Kozhikode district has submitted a representation for the allotment of building no. to their houses constructed on the coastal sector. Though these homes are built on the eastern side of the roads already constructed by the Grama Panchayat, the Panchayat is unwilling to allot building no. to these houses. They are facing difficulties in getting ration card, electricity connection etc. All these homes are built by the grant from Government as well as from well wishers. In these circumstances, they have request to make arrangements for allotting building number to their houses.

Point for Decision

KCZMA may kindly advise on the action to be taken.

Additional Agenda Item No.1

File No.579/A3/09/S&TD

Renovation of existing Fish Processing Unit at Choottad in Madai Grama

Panchayat in Kannur District – proposal from Shri.Moidhu Haji-reg.

Shri.Moidhu Haji, Choottad, Kannur District has submitted a proposal for the renovation of his Fish Processing Unit situated at Choottad in Madai Grama Panchayat in Kannur District bearing building number MP-XIV-32 in Re.sy.No.25/1, without any alteration in the existing plinth area. The distance from the High Tide Line of sea is 304m.

As per the provisions of CRZ Notification, renovation without increase in plinth area is permissible between 200-500m from High Tide Line of sea in CRZ III. Further, as per CRZ Notification Para2(iii) modernization of Fish Processing Units can also be permitted subject to the following conditions.

The unit for modernization purpose may utilize 25% additional plinth area required for additional equipment and pollution control measures subject to existing Floor Space Index/Floor area ratio norms, additional plinth area shall not be towards seaward side of existing unit and with due approval of State Pollution Control Board. As per the plan submitted, there is no much increase in plinth area. For renovation purpose only existing plinth area may be used.

Point for decision.

Whether the proposal by Shri.Moidhu Haji for the renovation of his existing Fish Processing Unit at Choottad in Madai Grama panchayat in Re.sy.No.25/1 bearing building No.MPXIV-32, without any alteration in the existing plinth area, may be considered, subject to the above conditions.

Additional Agenda Item No.2

File No.762/A2/09/S&TD

Rehabilitation of Evictees of Moolambilly & Kothad area – reg.

Secretary, Kadamakkudy Grama Panchayat vide letter dated 15.4.2009 requested to issue CRZ clearance for the construction of houses for the rehabilitation of Evictees of Moolambilly and Kothad area. It is also reported that Government have approved this rehabilitation package. Basic facilities are being arranged by the reclamation of river. It is requested to clarify whether building permit can be issued to the houses being constructed in the CRZ area. It is also added that the Panchayat Committee has passed a resolution in this regard. It is also requested to issue CRZ clearance for the houses to be constructed.

Copies of the letter from the Panchayat and their resolution is placed below as Annexure.

It may be noted that river is being reclaimed for the purpose. As per the provisions of CRZ Notification 1991, reclamation is prohibited and is an offence. Hence this is not permissible.

Point for decision

Whether the proposal may be considered as a special case or the more details may be called for from the Panchayat.

Additional Agenda Item No. 3

File No.382/A2/09/S&TD

MPEDA assisted Community Peeling Centre, Sakthikulangara Harbour-

reg.

Managing Director, Matsyafed submitted the proposal for the establishment of a Community Peeling Centre at Sakthikulangara Harbour, Kollam for CRZ clearance. As per the CRZ Notification, 1991 this is a prohibited activity. The case was discussed by the KCZMA in its 29th meeting and decided to direct the Project Proponent to make a presentation.

Point for decision

Whether the proposal for the establishment of a Fish Peeling Centre may be considered and forwarded to Government of India, as the project is being implemented by a Government Department, based on the outcome from the presentation.

Additional Agenda item No.4

File No.607/A2/09/S&TD.

A complaint on the violations of CRZ Notification, 1991 by the Local Self Government was received from the Local Self Government Department. In a press cutting, forwarded by Local Self Government Department, it is reported that Local Self Government Institutions are forced to make violations of the Notification because of the delay in the amendment of the above Notification.

It is also reported that this delay is equivalent to denial of natural justice.

As reported, implementation of the provisions of CRZ Notifications is not promptly done by the Local Self Government Institution in spite of repeated directions from KCZMA. Hence this may be discussed for deriving suitable mechanisms.