

**KERALA COASTAL ZONE MANAGEMENT AUTHORITY
SCIENCE AND TECHNOLOGY DEPARTMENT, SASTHRA BHAVAN,
PATTOM, THIRUVANANTHAPURAM 695 004**

Minutes of the 55th Meeting of Kerala Coastal Zone Management Authority.

Date & Time : 06th May, 2013 at 11:00 a.m

Venue : Sasthra Bhavan, Pattom, Thiruvananthapuram

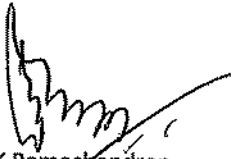
The meeting commenced at 11.00 a.m. The Chairman welcomed all the Members to the meeting of the Authority. Thereafter, the Authority considered the items in the Agenda.


List of participants :

1. Prof. V.N.Rajasekharan Pillai, Chairman, KCZMA.
2. Dr. K.K.Ramachandran, Member Secretary, KCZMA.

Members

1. Sri. Rajeev.G, Additional Secretary, Environment Department representing Principal Secretary, Environment Department.
2. Sri. Hari P. Nair, Joint Secretary, Fisheries Dept. representing Principal Secretary, Fisheries Department.
3. Dr. Sajith Babu, Asst. Commissioner, Commissionerate of Land Revenue representing Secretary, Revenue Department.
4. Smt. P. Ramlath, Under Secretary, LSGD representing Secretary LSGD
5. Dr. A.Ramachandran, Professor and Director, School of Industrial Fisheries, Fine Arts Avenue Cochin-682 016
6. Dr. K. Padmakumar, Aquatic Biology, University of Kerala, Thiruvananthapuram 695 581
7. Dr. K.V Thomas, Head Marine Sciences Division, Centre for Earth Science Studies representing the Director, CESS.
8. Sri. Baby John, Director, MCITRA.
9. Smt. Lovely V.T. Senior Environmental Engineer, Kerala State Pollution Control Board, representing the Chairman, KSPCB


Dr. K K Ramachandran
Member Secretary


Prof. V N. Rajasekharan Pillai
Chairman

Agenda Item No.55.1

Confirmation of the Minutes of the 54th Meeting

The members namely, Dr. A. Ramachandran, Dr. K. Padmakumar, and Shri. Baby John pointed out that the text on the confirmation of minutes against the Agenda Item No. 54.1 require modification as noted below.

The members namely, Dr. A. Ramachandran, Dr. K. Padmakumar, Shri. Baby John and Dr. Sajith Babu abstained over the decision of the previous meeting on Additional Agenda Item No. 53.4.1, Construction of Convention and Exhibition Centre at Mulavukadu, as they were not present in the previous meeting. Further, they observed that the decision to grant clearance in a reclaimed area for non-port activity within a sensitive ecosystem is not proper.

In the decision against the Item No. 54.3.10, in addition to the decision taken, the committee agreed to include in the minutes the following text.

It was also decided to take action to file appeal in the Hon ble High Court against the permission to continue the construction by M/s Pentagon Builders .

With the above observation the minutes of the 53rd Meeting was confirmed.

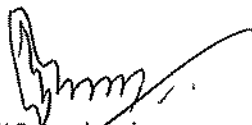
Agenda Item No. 55.2.1

File No. 96/A2/2013/KCZMA/S&TD

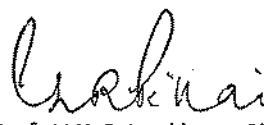
Nayarambalam Grama Panchayath construction of seed store Application of Sri. Syamsundar

The Secretary, Nayarambalam Grama Panchayat has submitted the proposal for the construction of a seed store in sy.No.465/6 of Nayarambalam village. The construction proposed is with a plinth area of 34.71m² on the banks of Pokkali fields.

The KCZMA discussed the proposal and decided that since the area comes in the NDZ of CRZ III a site visit is essential and team shall constituted including an official from the Fisheries Department.



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Agenda Item No. 55. 2.2
File No. 30/A3/2013/KCZMA/S&TD

Construction of Smrithi Mandapam for Peruman Disaster by Panayam Grama Panchayat, Kollam

The Secretary, Panayam Grama Panchayat, Pernad, Kollam submitted an application for the Construction of Smrithi Mandapam with plinth area of 7.5m² in Re. Sy. No. 3/1, Panayam Village

The KCZMA discussed the proposal and decided to permit the construction of Smrithi Mandapam for Peruman Disaster by Panayam Grama Panchayat, Kollam

Agenda Item No. 55. 2.3
File No. 1798/A2/2012/KCZMA/S&TD

Re-construction of Residential building by Smt. Jaseela, Valappattanam Grama Panchayath, Kannur

Bathakkathyal Muzamil Thayyil Peedikayil Jaseela, Valappattanam, Kannur submitted request for re-construction of a residential building of plinth area 178m² Two Floors, Height 6.74m, in 5 cents of land with Re. Sy. No. 63/9 on the banks of Valappattanam River. The location of reconstruction is in No Development Zone. The Secretary, Valappattanam Grama Panchayath has certified that the existing building is authorized and existing prior to 1991.

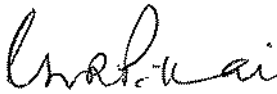
The KCZMA had discussed the proposal and decided to issue CRZ clearance for the reconstruction of the residential building subject to condition that the reconstruction shall not exceed the plinth area (168m²), FSI and density of the building that existed.

Agenda Item No. 55. 2.4
File No. 2003/A3/2012/KCZMA/S&TD

Construction of Dwelling Unit by Shri.Prasad, Vettikappally, Ambika Market.P.O, Vaikom, Kottayam

Shri.Prasad, Vettikappally, Ambika Market.P.O, Vaikom, Kottayam has proposed the construction of residential building with plinth area of 53.95m² in Re. Sy. No.


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280/9A-8 (2.02 Ar) Vechoor Village, 88m from HTL of Vembanad backwater. The Secretary, Vechoor Grama Panchayath has reported that the applicant is a fisherman.

KCZMA discussed the proposal and decided to issue CRZ clearance for the construction of the dwelling unit with a plinth area of 53.95m² by Shri. Prasad, Vettikappally, Ambika Market P.O., Vaikom, Kottayam.

Agenda Item No. 55. 2.5

File No. 2115/A3/2012/KCZMA/S&TD

Construction of Residential building by Sri.K.P.Manikandan, Kottummel Kadayil Veedu, Mattel House, Perinadu.P.O, Kollam

Sri.K.P.Manikandan, Kottummel Kadayil Veedu, Mattel House, Kandachira, Perinadu.P.O, Kollam has proposed construction of Residential building with a plinth area of 1800 Sq.ft., Single floor Sy. No. 34/1, 32/10 of Panayam Panchayath. The site is 65m from HTL of backwater.

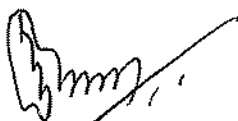
KCZMA discussed the proposal in detail and decided not to grant clearance for the construction of Residential Building by Shri. K.P. Manikandan, Kottummel Kadayil veedu, Mattel House, Perinadu P.O., Kollam.

Agenda Item No. 55. 2.6

File No. 1803/A2/2010/KCZMA/S&TD

CRZ violations along the banks of Chilavannur backwater

In pursuance to a complaint filed by one Sri.A.V.Antony on the illegal construction along the banks of Chilavannur backwater, Kochi; a Sub Committee visited the site and reported massive violations. Accordingly the Secretary, Cochin Corporation and Maradu Municipality were directed to issue stop memo, to the violators. They were also directed to furnish the detailed list of permits granted by them, for the constructions in the said area. Even after the elapse of two years no reply has been received from the Corporation / Municipality. The Secretary, Local Self Government Department was appraised the above vide D.O. letter on 02.03.2013.



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KCZMA discussed the case and decided to issue directions to the District Collector under Section 5 of EP Act 1986 against the violations.

**Agenda Item No. 55. 2.7
File No. 2187/A2/2012/KCZMA/S&TD**

Construction of Apartment Building with 12 floors at Beach Road, Kozhikode by M/s. KGL Builders

Manager (Finance & Admn), Korath Gulf Link Builders (Pvt) Ltd., Banerji Road, Broadway, Ernakulam has proposed for CRZ clearance for the construction of apartment with 12 floors. The plinth area is 5492.99m² and carpet area 3971.38m² in Re-Survey No. 475 Block No,12, Ward I, Puthiyangadi Village, West Hill, Beach Road, Kozhikode. The site is landward of the road which is marked in KCZMP. The project area is in CRZ II and landward of existing road. The Kozhikode Corporation has permitted a FAR of 3.05. The permitted FAR as per the Kerala Building Rules 1984, Rule 17 is with a FAR of 1.5. This is applicable as on 19.02.1991. The total investment is above Rs.5 Crores. The permit was issued on 19.11.2008. The KCZMA had directed to stop construction. The applicant has filed a WP(C) No. 25899/12 before the Hon ble High Court and obtained a Stay Order for one month from 18.02.2013, to continue with the construction subject to orders passed by KCZMA.

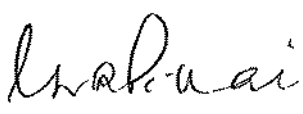
The KCZMA discussed the issue in detail and decided to hear the petitioner on 20th May 2013.

**Agenda Item No. 55. 2.8
File No. 299/A2/2013/KCZMA/S&TD**

Allegations against Chairman, KCZMA on CRZ violations

Pursuant to the discussions initiated by the Mathrubhumi.T.V Channel in connection with CRZ violations and other issues related to the protection of Coastal Environment and the allegation against Chairman, KCZMA in respect of CRZ violations emerged in the discussion, Sri.Baby John, Member, KCZMA expressed to discuss the issue to bring out a statement clarifying KCZMA stand. Further there was also a calling attention raised by Shri.V.S.Sunil Kumar, Hon ble


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Member, Kerala Legislative Assembly on 15.02.2013 under the caption കയ്യേറ്റങ്ങൾ തടയുന്നതിന് നടപടി for answer by Sri.Adoor Prakash, Hon ble Minister for Revenue & Coir.

The KCZMA discussed the issue in detail and decided that reply shall be given to the complainants on the actions taken so far by the KCZMA with regard to the violations of CRZ in the Kamburam beach.

**Agenda Item No. 55. 2.9
File No. 175/A3/2013/KCZMA/S&TD**

Regularisation of Residential Building by Smt.Radha Devi Vijimon, Charuvila Puthen Veedu, Perumon.P.O, Kollam

Smt.Radha Devi Vijimon, Charuvila Puthen Veedu, Perumon.P.O, Kollam Constructed a Residential building with plinth area of 100m², 2 floors, Height 6.65min Sy. No. 73/9, 73/10 of Panayam Village, and requested for regularization. The construction is 50m from HTL of Ashtamudi Backwater. The elevation from the water level is nearly 10m.

The KCZMA discussed the proposal for regularization and decided not to grant CRZ clearance.

**Agenda Item No. 55. 2.10
File No. 466/A2/2012/KCZMA/S&TD**

Construction of house in Valapattanam Grama Panchayath area - Application of Smt. Ponnamkai Shahina.

The Secretary, Valapattanam Grama Panchayath has submitted the application for the construction of a house in Re. Sy. No. 66/9 in the Valapattanam Grama Panchayath area by Smt. Shanina. An expert team visited the site and submitted report to KCZMA.

KCZMA discussed the proposal in detail and the site inspection and decided not to grant clearance for the construction of house.



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Agenda Item No. 55. 2.11
File No. 218/A2/2013/KCZMA/S&TD

Modification of KCZMP

The CZMP had to be modified by 6th January 2011, as per the guidelines issued by MoEF. The CZMP was to be prepared by 6th January 2013 as per CRZ notification 2011. The preparation of CZMP was delayed due to various reasons. CESS has submitted a project proposal for preparation of CZMP based on CRZ notification 2011 for an amount of Rs.4.2579 crores. KSCSTE has earmarked Rs.50 lakh towards Kerala Coastal Zone Management Authority (KCZMA) in the 2012-13 budget in which Rs.3-4 lakh would have been required for CRZ site inspections and KCZMA Counsel charges and other related expenses. Additional fund required for CZMP preparation may be met from Council by suitable reappropriation from other unutilized budget heads of the Council in the current year budget.

The KCZMA discussed the proposal and decided that the State Government can be informed of the recommendation of the KCZMA for the proposal to approve and to release the fund to Centre for Earth Science Studies entrusting CESS to complete the same within one year.

Agenda Item No. 55. 2.12
File No. 467/A2/2012/KCZMA/S&TD

Construction of Workshop building at Valapattanam Grama Panchayath - Application of Smt. Bayantakath Hameeda

The Secretary, Valapattanam Grama Panchayath has submitted the proposal for the reconstruction of a building in Re. Sy. No. 48/9 in the Panchayath area by Smt. Hameeda. A team of experts visited the site and submitted report.



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The KCZMA discussed the proposal and also the site inspection report and decided to grant CRZ clearance for the reconstruction of workshop subject to the condition that the reconstruction shall not exceed the plinth area FSI and density of the building that existed earlier.

Agenda Item No. 55. 2.13
File No. 53/A2/2013/KCZMA/S&TD

Construction of building for Residential purpose by Sri.T.P.Muhammed Kunhji, Valappattanam

Sri.T.P.Muhammed Kunhji, Sri.Naufal.T, Sri.Naushad.T and Smt.Ramsheela.T, Thotton House, Keeriyad, Kollarathikkal.P.O, Chirakkada, Valapattanam has proposed to construct a building with a plinth area of 184.14m², 2 floors, height 7.25m in Sy. No. 65/9 of Valapattanam village. The site is 30m from HTL of river and is in the NDZ of CRZ III.

The KCZMA discussed the proposal and decided not to grant clearance for the proposal as the construction is in NDZ of CRZ.

Agenda Item No. 55. 2.14
File No. 181/A2/2013/KCZMA/S&TD

Construction of building for Ice Plant by Sri.Muhammed Basheer, Paduvingal, Kandanassery, Thrissur

Sri.Muhammed Basheer, Paduvingal, Kandanassery P.O, Thrissur proposed a building with a plinth area of 251.96m² for Ice Plant and setting of Machinery for Ice Plant Re. Sy. No. 66/1, Edakazhyur, Chavakkad. The site is on the banks of an inland water body having tidal influence and within 500m from HTL of sea. The area is in CRZ III.

The KCZMA discussed the proposal and decided to issue CRZ clearance building with a plinth area of 251.96m² for Ice Plant and setting of machinery for Ice Plant in Re. Sy. No. 66/1, Edakazhyur, Chavakkad subject to following conditions



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1. No ground water shall be withdrawn from No Development Zone.
2. Proper safety measures shall be carried out in the Ice Plant and storage tanks of Ammonia.
3. Effluents shall not be discharged in CRZ area including sea.

Agenda Item No. 55. 2.15

File No. 2123/A3/2011/KCZMA/S&TD

Construction of two Shopping Complex in Neendakara Fishing Harbour without obtaining CRZ clearance

Harbour Engineering Department has constructed two Shopping Complex in Neendakara Fishing Harbour without obtaining CRZ clearance. The 48th KCZMA meeting discussed the case and constituted an Expert Committee to examine the issue. The Expert Committee reported that in the event of the construction is meant for a shopping Complex and not for Port operations, the referred constructions will be violating the provisions of CRZ Notification, since it lies in the CRZ III. The 52nd KCZMA meeting again discussed the report and decided to call for an affidavit from the Chief Engineer, Harbour Engineering to the effect that the Shopping Complex is purely meant for port related activities. The Chief Engineer, Harbour Engineering has furnished the Affidavit, certifying that the Shopping Complex constructed is purely meant for Fishing Port related activities.

The KCZMA discussed the proposal and and decided to grant CRZ clearance based on the affidavit furnished by the Chief Engineer, Harbour Engineering Department, certifying that the Shopping Complex constructed is purely meant for Fishing Port related activities.


Agenda Item No. 55. 2.16

File No. 1262/A2/2012/KCZMA/S&TD

Alleged illegal reclamation of backwater behind Bolghatty Palace & Marine Drive area

Sri.N.Ramachandran, Secretary, Association for Environmental Protection Council, Aluva filed a complaint on the illegal reclamation and construction in Marine Drive Area, Kochi. Earlier KCZMA examined the petition on the illegal reclamation in connection with the second stage Development of Marine Drive Scheme and notice


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issued to the concerned Secretary, GCDA informed that they have not finalized any project related to this.

KCZMA discussed the complaint and decided to constitute a sub-committee with the following members, to visit the site and assess the CRZ status and other environmental related aspects, and submit a detailed report at the earliest.

Dr. A. Ramachandran, Registrar, CUSAT & Member, KCZMA

Dr. K.V. Thomas, Head, Marine Sciences Division, CESS

Dr. K. Padmakumar, Professor, Aquatic Biology, University of Kerala & Member KCZMA

Dr. Kamalakshan Kokkal, Scientist F & Head Coastal Environment Division, KSCSTE. (Convenor)

Agenda Item No. 55.2.17

File No. 1675/A3/2012/KCZMA/S&TD

Construction of Residential Building of Mr. Harold & Smt.Sherly, Puthen Thuruth, Meenam, Sakthikulangara, Kollam

53rd meeting of KCZMA discussed the application for CRZ clearance for the construction of a Single storied Residential building with a plinth area of 50.4 M2, single storied, FAR: 0.12, Coverage: 12% in Survey No. 46/27 of Sakthikulangara, Kollam by Mr. Harold & Smt. Sherly, Puthen Thuruth, Meenam, Sakthikulangara. As the construction is in the NDZ of CRZ III on the banks of backwaters the KCZMA decided to get clarified from the local body the distance of the construction from the water-body. Accordingly the Secretary, Kollam Corporation clarified that the applicants belong to traditional fisherfolk community and the distance of the construction from the water body is 17 meters.

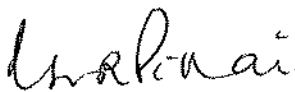
The KCZMA discussed the proposal and report from the Secretary Kollam Corporation and decided to grant CRZ clearance for the proposed residential building.

Agenda Item No. 55. 2.18

File No. 375/A2/2013/KCZMA/S&TD

Construction of Residential Building by Sri. Abdul Rasheed N.P, Palakkottu.P.O, Ramanthali, Kannur


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Sri. Abdul Rasheed.N.P, Palakkottu.P.O, Ramanthali, Kannur has proposed the construction of Residential Building with plinth area of 122.8m², double storied. Height less than 9m in Sy. No. 81/8 of Ramanthali Village, Kannur. 250m from HTL of sea. The area is in CZ III.

The KCZMA discussed the proposal and decided to grant CRZ clearance for the construction of Residential Building by Sri. Abdul Rasheed.N.P. Palakkottu P.O., Ramanthali, Kannur.

Agenda Item No. 55. 2.19

File No. 1548/A2/2012/KCZMA/S&TD

Construction of Building for Armed Forces Tribunal

Shri.Jayaprakash Narayanan, Registrar, AFT Regional Bench, Bristow House, K.J.Herschell Road, Kochi has proposed the construction of building for AFT in Re. Sy. No. 138/1 of Mulavukkad Village, Ernakulam. The total area is 1.3239 acres out of which 30 cents is marshy land having mangroves.

The KCZMA discussed the proposal and decided not grant clearance for the part of the construction that is within the NDZ of CRZIII.

Agenda Item No. 55. 2.20

File No. 473/A3/2013/KCZMA/S&TD

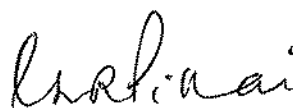
Construction of Residential Building by Smt. Sreeja S, Karakkattu Veedu, Koduvilla P.O, Kizhakkekallada, Kollam

Smt. Sreeja S, Karakkattu Veedu, Koduvilla P.O, Kizhakkekallada, Kollam has proposed the Construction of a residential building with plinth area 192.23m² , 2 floors height 8.8m in Sy. No. 540/9, 541/23, which is 56m from HTL of Ashtamudi backwater. The area is in the NDZ of CRZ III.

The KCZMA discussed the proposal and decided not to grant CRZ clearance as per Clause 8 III A (ii) of CRZ Notification 2011.



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Agenda Item No. 55. 2.21
File No. 300/A3/2013/KCZMA/S&TD

Construction of Residential Building after demolishing existing building by Sri.Sibi Abraham, Vaikom

Sri.Sibi Abraham, Vadakaram Cherry House, Pallipurathssery.P.O, Vaikom proposed the Construction of Residential building after demolishing existing building with plinth area of 270.22m². the proposed building is 265.11m² and Height 8.75m in Sy. No. 86/21B, 86/21C, 86/21D of Vaikom Village. The site is at a distance from HTL of backwater is 53.4m.

The KCZMA discussed the proposal and decided to grant clearance for the reconstruction proposed by Sri. Sibi Abraham, Vaikom for residential purpose after demolishing the existing building subject to the condition that the reconstruction shall not exceed the plinth area, FSI and density of the building that existed earlier.

Agenda Item No. 55. 2.22
File No. 60/A2/2013/KCZMA/S&TD

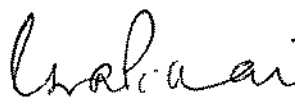
Construction of Container Freight Station at Vallarpadam

M/s. MIV Logistics Private Ltd proposed to develop a Container Freight Station at Vallarpadam with a plinth area of 45,099.44m². The proposed project area is located at Lat 9^o 59' 24.92" N Long 76^o14' 45" 90" E, on the banks of Vembanad backwater locally known as Thattappally River and Ernakulam Channel and area is part of the land reclaimed by Cochin Port Trust with material from channel dredging

The KCZMA discussed the proposal and decided to call for details pertaining to the reclamation, orders permitting reclamation and the purpose of reclamation.



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Agenda Item No. 55. 2.23
File No. 1556/A2/2010/KCZMA/S&TD

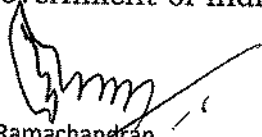
Proposal for the Yasoram Sky City Project Construction of a Fly Over across Chilavannoor Kayal, Kochi

The 19th Meeting of the KCZMA held on 22nd August 2006 decided to recommend the Yasoram Sky City Project to the MoEF subject to conditions. This was reconsidered in the 21st Meeting of KCZMA held on 20th January 2007. Modifying the stipulation for obtaining the concurrence for the State Government, the project was recommended for clearance, on CRZ angle, to the MoEF subject to the concurrence from Environment Department, Government of Kerala and with the conditions decided by the 19th KCZMA meeting.

The 52nd Meeting of the Expert Appraisal Committee for New Construction and Industrial Estates Projects held from 19-22 November 2007 recommended the proposal for Environmental Clearance.

The proponent filed a writ petition as W.P. (c) No. 34311 of 2009 before the Honourable High Court of Kerala upon which the Court directed the petitioner to place revised proposal in the prescribed format and ordered that the KCZMA will consider that proposal and make recommendations and forward it to the competent authority in the Central Government, taking into consideration that all the other authorities have already cleared the project except as regards the question of the place of landing at one end of the bridge.

The MoEF vide their letter-dated 11.06.2009 informed the acceptance of the report of the Special Expert Appraisal Committee after visiting the site on 9th April 2009 and that the EAC has interalia recommended that the project alignment might be slightly modified to shift into non-CRZ. It was therefore suggested that the project may start from NH 47 from the bridge south of the existing proposed site at Wyte Fort, by taking suitable permissions from NHAI and the project may be terminated at the bridge on SA Road and thereafter, the project may not attract consideration under CRZ. On further correspondence between the proponent and Government of India, the Government of India vide their letter dated 20.10.2009, required the proponent to



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submit the revised proposal in the prescribed format recommended by the State Coastal Zone Management Authority.

The proponent submitted the modified proposal for their Sky City. The 39th KCZMA meeting examined the case in detail and referred the case to a Subcommittee to re-examine the proposal with all available documents and to ascertain the policy of the State as development of the project involves Public Properties like Kayal.

Vide the Note dated 4th November 2010 the matter was brought to the notice of Honourable Chief Minister, upon which the Honourable Chief Minister recorded that the project has not even been given in-principle-sanction, that the deduction of the Honourable Court is not based on facts and therefore urgent action shall be taken to file review/appeal against the court order.

A review petition was filed before the Honourable High Court. The report of the Subcommittee, in their recommendations noted that there is no clarity on the landing of the Sky city at three different points such as Irrigation Bund Road, Chilavannoor Bridge and Puthenpalam (Sahodaran Ayyappan Road); the observation during the site visit indicates that the reclamation, landscaping and construction in the CRZ area for landing of the Sky city project may not be permissible activity as reclamation and construction is inevitable at the three points of landing of the fly-over Sky city for its operational viability. The project attracts para 2(viii) of the CRZ notification. Further the project is planned on a public water body and therefore the project proponent may get clearance from Government of Kerala. The 42nd KCZMA meeting discussed the Subcommittee report in detail and decided that the project is not permissible as per the provisions of CRZ Notification and also to call for reasons, if any, from the proponent for not rejecting the request and whether they have any further arguments for consideration. The proponent was issued notice dated 3rd February 2011. The proponent replied that he is not in a position to furnish reply to the notice as writ appeal No. 120/2011 is pending before the Honourable High Court of Kerala. The Honourable High Court dismissed the appeal and therefore the proponent was asked to appear for a hearing on 28th March 2011. The proponent informed that the writ appeal has been restarted on 18th March 2011 and requested to postpone the hearing.

In the meanwhile the Industries Department, Government of Kerala ordered vide G.O. (Ms) No. 228/2011/ID dated 09-12-2011 granting clearance to the Skycity project subject to conditions.



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Member Secretary



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The proponent was informed that he should not proceed with the project without obtaining necessary clearance as envisaged under the CRZ Notification 2011. He was also requested to furnish application in Form I with relevant supporting documents for obtaining CRZ clearance. Application in Form 1 has not so far been received.

As learnt from the Judgment Monitoring system of the Honourable High Court of Kerala the writ appeal has been disposed on 28th May 2011. Copy of the Judgment taken from the Website placed below may please be perused.

It may also be submitted that the Indian Institute of Architects Cochin Chapter and another Petitioner has filed a writ petition as W.P. (c) No. 4561/2012 before the Honourable High Court. The petitioners have therein submitted that the project can be implemented only by blatantly violating the established statutory norms, regulations and conventions and also compromising with the inter equity concept of public property such as land and water and atmosphere. The petitioners have challenged the orders giving clearance issued by the Industries Department in Government and prayed to set aside the same.

It may be submitted that the Notice issued by the KCZMA is yet to be answered by the proponent; Application in the prescribed format is yet to be received; the above said writ petition is pending and action to file counter affidavit has to be taken; the Government of India has to be supplied with the relevant details.

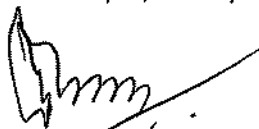
The KCZMA discussed the case and observed that since there is no formal application for consideration and writ petition is pending it has been decided to appraise the MoEF on the status of the case. The writ petition pending before the Hon ble High Court shall be properly defended.

Agenda Item No. 55. 2.24

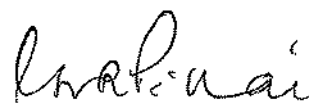
File No. 207/A3/2013/KCZMA/S&TD

Construction of Hall for Recreation Club by Dr.Ajith Bhaskar, Nandanam, Angavila, Vakkom.P.O, Thiruvananthapuram

Dr.Ajith Bhaskar, Nandanam, Angavila, Vakkom.P.O, Thiruvananthapuram has proposed the construction of Hall for Recreation Club with plinth area of 600m² in Sy.No.422/1, 422/4, 422/5, 422/11/1, 121/ 441/193, 120 of Vakkom village.



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The area is on the banks of backwater having tidal influence from sea. The construction is proposed in the No Development Zone of CRZ III.

The KCZMA discussed the proposal and decided not to grant clearance as the construction is in the NDZ of CRZ III for the proposed activity is not a permissible one.

**Agenda Item No. 55. 2.25
File No. 403/A2/2013/KCZMA/S&TD**

Construction of Residential Building at Cherode Grama Panchayath, Vadakara, Kozhikode

The Secretary, Cherode Grama panchayt, Muttungal West, Vadakara, Kozhikode proposed the Reconstruction of residential buildings by Smt. Mashura P.T Pallithazh, Smt. Pathu Pallithazha, Shri. Seithalavi Varayante Valappil and Smt. Saradha Varayante Valappil with plinth area of 44.15 m², 44.15m², 58.14m² and 47.95m² respectively. The construction is proposed in Rs.No.26/6 by in Smt. Mashura, Rs.No.26/6 by Smt. Pathu, Rs.No.26/2 by Shri. Seithalavi and in Re.sy No.1/1, 39/8 by Smt. Saradha.

The KCZMA discussed the proposal and decided to grant CRZ clearance subject to the condition that the reconstructions are without increasing existing plinth area/ FSI and density.

**Agenda Item No. 55. 2.26
File No. 556/A2/2013/KCZMA/S&TD**

Construction of Residential Building by Shri.Vijayan, S/O Sreedharan, Kaladan (H), Ariyallor P.O, Malappuram

Shri.Vijayan, S/o. Sreedharan, Kaladan(H), Ariyallor.P.O, Malappuram proposed the construction of a residential building with plinth area of 96.09 m², Height 6.25m in Re. Sy. No. 106/14 Ward No. XIX of Vallikkunnu Grama Panchayat, Malappuram. The site is between 400-500 from HTL of sea.

The KCZMA discussed the proposal and decided to grant CRZ clearance as per clause 8 II B (vii)

**Agenda Item No. 55. 2.27
File No. 649/A2/2013/KCZMA/S&TD**



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Construction of the development of Bekal Beach Park, Kasaragod

Managing Director, Bekal Resort Development Corporation Ltd proposed the regularization of beach with walkways and pathways, Rain shelters, Toilet Block and Pergolas. The site is close to the sea, ie. within 200m from HTL of Sea in Udma Panchayath.

The KCZMA discussed the proposal and decided to grant clearance subject to the condition that the premises shall not be used for any commercial purpose.

**Agenda Item No. 55.3.1
File No. 267/A3/2013/KCZMA/S&TD**

Construction in Maravanthuruthu Grama Panchayat against CRZ Notification

Vaikom Block Panchayath filed Writ Appeal No. 1933/12 against the judgment of Hon ble Single Bench of High Court in O.P No. 12472/99 filed by Shri. Jabeen L Scaria and R.P No 165/2010 in which the Court observed that the construction of fish processing Unit made by the Block Panchayat by reclaiming a portion of Vembanad lake is against the CRZ notification . Hence the Court directed to remove the construction. The Site Inspection report submitted by the Environment Group of KSCSTE reported that the Block Panchayat had restored status before the reclamation and hence the violation has been rectified. A building within 25m from High Tide Line of backwater is also built in the adjoining plot of the removed fish landing centre by Shri. Jabeen L. Scaria, S/o Lalichan Scaria, Kakkamthottil, Jaya Nagar, Maradu, Cochin. This is also a violation.

The Secretary, Maravanthuruthu Grama Panchayat has furnished details (enclosed) stating that no permit was issued to Shri. Jabeen Scaria. But building number was assigned on 19.06.2006 during the Secretariship of Shri K. P. Sudhakaran.

The KCZMA discussed the issue in detail and decided to proceed with legal action.



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Agenda Item No. 55.3.2
File No. 2214/A2/2012/KCZMA/S&TD

Construction of Building for Ice Plant

Sri. Moinudheen Haneefa, Thengilakath House, Bepore, Kozhikode proposed the construction of a building for Ice Plant (plinth area 192m²) and setting up an Ice Plant in Sy. No. 144/2, 3, 5 of Kadalundi Village, 52m from HTL of sea. The area is on the banks of Arabian Sea in the No Development Zone of CRZ III.

The KCZMA discussed the proposal in detail and decided to issue CRZ clearance for construction of a building for Ice Plant (plinth area 192m²) and setting up an Ice Plant in Sy. No. 144/2, 3, 5 of Kadalundi Village, 52m from HTL of sea subject to following conditions:

- 1) No ground water shall be withdrawn from No Development Zone area.
- 2) Proper safety measures shall be carried out in the Ice Plant and storage tanks of Ammonia.
- 3) Effluents shall not be discharged in CRZ area including sea

Agenda Item No. 55.3.3
File No. 195/A2/2013/KCZMA/S&TD


Construction of the development of Bekal beach Park, Kasaragod

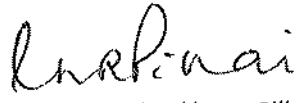
Managing Director, Bekal Resort Development Corporation Ltd proposed beach park with walkways and pathways, Gallery for play area and sports area, Landscaping, road and parking area, Rain shelters ,Toilet Block Pergolas and Water supply in Pallikara panchayat along the coastal Zone south of Bekal headland.

The KCZMA discussed the proposal in detail and decided to issue CRZ clearance for the Bekal Beach Park subject to condition that commercial activities shall not be carried out in the CRZ area.

Agenda item No. 55.4.1
File No. 135/A2/13/KCZMA/S&TD

W.P(C) No.2544/2013 filed by Sri. Mithun Davis Angamali


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The Hon ble High Court in the judgment dated 8/03/2013 in W.P(C) No.2544/13 directed the 2nd respondent viz. Secretary, KCZMA to consider the application for regularization of the building submitted by the petitioner within a period of one month of the date of receipt of a copy of the judgment. The same was received in the department on 20/04/13. On verification of the records it is seen that the petitioners mother has submitted an application before the Authority.

The application received on 26.04.2010, in the department from the Secretary, Cheranellore Grama panchyath. In the letter the Secretary had made it clear that the construction was executed in violation to CRZ Norms. The KCZMA in its 35th meeting examined the issue thoroughly, and found it is a clear violation.

The KCZMA discussed the directions of the Hon ble Court in detail and decided to immediately bring to the notice of the Hon ble High Court based on earlier examination of the Authority and site inspection report.

Agenda Item No. 55.4.2

File No. 470/A2/2013/KCZMA/S&TD

Construction of building for Anganvadi at Cheranalloor Village, Ernakulam

Secretary, Cheranalloor Grama Panchayath, South Chittoor.P.O, Ernakulam proposed construction of building for Anganawadi in Re. Sy. No. 629/5 of Cheranalloor Village (2.49 Ar) on the banks of backwater in NDZ of CRZ III.

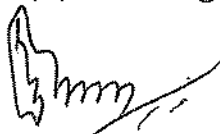
The KCZMA discussed the proposal in detail and decided to issue CRZ clearance for the building for Anganawadi in Re. Sy. No. 629/5 of Cheranalloor Village.

Agenda Item No. 55.4.3

File No. 471/A3/2013/KCZMA/S&TD

Judgment in W.P(C) No.5348/13 filed by Sri. Jose George- Filing of R/P

Shri. Jose George filed WP(C) No. 5845/12 praying for the entitlement to make construction in his property after leaving a distance of 50 metres from HTL and also for assigning building number on the basis of his application dt. 02.12.2011. The Hon ble High Court in its judgement dt. 27.09.2012 disposed of above WP(C) directing to consider the application in accordance with the provisions



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of the CRZ Notification of 2011 and other notifications, if any applicable, and shall pass final orders thereon, as expeditiously as possible and at any rate within a period of six weeks of the date of receipt of the application of the petitioner.

Accordingly 53rd meeting of KCZMA discussed the case and concluded that the construction made by the petitioner is violation of CRZ and therefore decided to dispose the representation treating the construction as a violation of CRZ and to take action against the him as per the Government of India, Office Memo dated, 12.12.2012 and therefore representation was rejected vide Proceedings dated, 01.02.2013. And the petitioner was also issued Notice calling for explanation on why action invoking powers under Section 19 of Environment (Protection) Act 1986 for taking necessary legal action Under Section 15 of the Act for the period for which the violation has taken place; shall not be taken against him.

Aggrieved in by the proceedings of KCZMA (Exbt-P-11) rejecting the representation of the petitioner he filed another WP(C) No. 5348/13 and the Hon ble High Court disposed of above WP(C) in its judgement dated, 07.03.2013 observing that Exbt-P-11 to the extend it finds that petitioner s construction is violative of CRZ Regulations of 1991 and proposal to initiate action against the same is set aside. It is also directed the 1st and 2nd Respondent (Chennam Pallipuram Grama Panchayath) to assign Building number to the petitioner.

4) The Technical report of Environment Group of KSCSTE stated as follows :

The judgement is against the spirit of CRZ Notification. It is mentioned that the CRZ Notification 1991 is no longer in existence. Hence the provision of said notification is not applicable as per CRZ Notification 2011. Only dwelling units which have not obtained formal approval from concerned authorities under CRZ Notification 1991 though permissible also can be regularized the MoEF had clarified in FAQ that all violations as per 1991 cannot be condoned on issuing of 2011 Notification. Hence it is advised that KCZMA may appeal against the Judgement as this will have far reaching consequences and the MoEF may be informed accordingly .

The Standing Counsel of KCZMA has also opined that the order of Hon ble High Court is against the spirit of CRZ Notification.



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The KCZMA discussed the issue and decided to initiate action for filing appeal against the judgement in WP(C) No. 5348/13.



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