

SCIENCE AND TECHNOLOGY DEPARTMENT, SASTHRA BHAVAN, PATTOM,
THIRUVANANTHAPURAM - 695 004

Minutes of the 59th Meeting (Special Meeting) of Kerala Coastal Zone
Management Authority.

Date & Time : 4th September, 2013 at 2:00 P.M.
Venue : Sasthra Bhavan, Pattom, Thiruvananthapuram

The meeting commenced at 2. P.M.

List of participants :

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

Members

1. Sri. P.K. Mohanty, Additional Chief Secretary, Environment Dept.
2. Sri. James Varghese, Principal Secretary, Fisheries & LSGD
3. Dr. N.P. Kurian, Director, CESS
4. Sri. K. Sajeevan, Chairman, KSPCB
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. P. Sajith Babu, Asst. Commissioner, Commissionerate of Land Revenue representing Secretary, Revenue Department.

Advocate Tom K. Thomas, Special Govt. Pleader attended as a special invitee, representing the Advocate General.

The Chairman welcomed the members and conveyed the purpose of convening the Special Meeting:

The KCZMA then decided to take up the following Court cases and the orders/notice issued thereon for discussion in the following order:

- (1) Suo Moto Writ Petition (Civil) No. 687/2013 and the notice of the Hon'ble Supreme Court on CRZ violations to the KCZMA,
- (2) Judgement of the Hon'ble Supreme Court on S.L.P. (Civil) Nos. 24390-24391 of 2013 in the case of M/s Vamika Island (Green Lagoon Resort) as petitioner,
- (3) Judgement of Hon'ble High Court of Kerala with respect to WP(C), Nos. 19564 of 2011, 28485 of 2011, 34799 of 2011, 4808 of 2012, 12965 of 2012, 8299 of 2012 & 2947 of 2013.

Details of the deliberations and decisions in respect of above 3 items are as follows:

Dr. K.K. Ramachandran
Member Secretary

Prof. V.N. Rajasekharan Pillai
Chairman

(1) In the case of the Suo Moto WP (C) referred above, the Hon'ble Supreme Court of India issued notice to the KCZMA (through its Member Secretary) as third respondent. The KCZMA decided to take strict compliance and timely actions to the notice issued by the Hon'ble Supreme Court. Discussion was specifically held in the light of the direction to the KCZMA as quoted below from the judgement:

The necessity of effective implementation of CRZ Notifications also requires serious attention at the hands of KCZMA; and

Considering the large public interest and the importance of the issue we are inclined to issue notice to the following authorities to explain the steps they have taken to implement CRZ, in the lake and Islands as a whole, steps they have taken to restore the illegally reclaimed banks of the lake, steps taken to avert pollution etc. within a period of six weeks from today:

(a) Since the hearing in the case is posted for 30-9-2013 by Hon'ble Supreme Court, the KCZMA agreed that statements of facts have to be finalized and forwarded by 23-9-2013.

(b) Subsequently, for the benefit of the members, the Member Secretary presented the steps that have been taken by KCZMA, the nature and type of violations in and around Vembanad Lake, reports of experts committees constituted earlier by KCZMA on site visits in the area and also steps proposed for taking compliance to the above Suo Moto Notice.

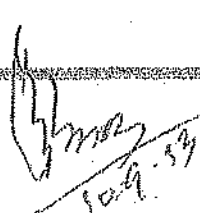
(c) The Director, CESS agreed that CESS would submit whatever information available and possible within a week. The CESS is entrusted to carry out mapping of the violations in terms of reclamation, construction as well as any other regulated activities not permissible within the CRZ under different categories in and around Vembanad Lake CVCA. The Director, CESS informed that they would require 3 month time for completing the task.


(d) The committee agreed that a draft on the requisite information and explanation detailing the above to be submitted to the Hon'ble Supreme Court can be circulated among the members to incorporate their suggestions before finalizing.

(2) In the case of the Judgement on SLP by the Hon'ble Supreme Court, the KCZMA observed that the Court has concurred and reiterated the Judgement of the Hon'ble High Court in the case connected to the violations in Vettilla Thuruthu by Vamika Resorts. Therefore, the directions of the Hon'ble High Court have to be complied in this respect.

(3) With respect to the judgement of the Hon'ble High Court on the aforementioned 7 WP(C)s, the KCZMA decided to take the following courses of action:

Dr. K.K. Ramachandran
Member Secretary


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Prof. V.N. Rajasekharan Pillai
Chairman

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(a) Notices shall be issued to the Secretary Panavally Panchayat, District Collector Alapuzha, Director of Panchayats, Secretary LSGD for strict compliance of the Hon'ble High Court direction to ensure that *'... the constructions which have been made by the company (Kapico Resorts Pvt. Ltd) in the Nedyathuruthu island are removed in so far as it violates the terms of the 1991 Notification, as held by us. Action in this regard shall be taken within a period of three months from the date of receipt of a copy of this judgement'* (by 31st of October 2013).

(b) It shall also be communicated to the aforementioned authorities the Court direction that *'till such time as our directions as above are complied with, the company shall not proceed to make any further constructions. The company cannot carry out any kind of operations in the structures constructed in the island till the removal as ordered. As far as the island owners are concerned also, we direct that they will not carry out any further operations in the structures which are the subject matter of these cases after one week from today till such time as the direction given by us is complied with. We are allowing one week, as according to them, they are running the business. Thereafter, no kind of operations shall be done in those structures'*. The Secretary, Panavally Panchayat shall be directed to take compliance to this part of the judgement by conducting verification on the ground and shall submit compliance report to the KCZMA within one week of receipt of the communication from KCZMA in this regard.

(c) Further, notices shall be issued to take action by all the authorities mentioned in para (3)(a) above and report to the KCZMA to ensure compliance to the direction of the Hon'ble Court that *'...to take action against the island owner (M/s. Vamika Island (Green Lagoon Resort) in Vettilathuruthu) to ensure that the unauthorised structures which have been put up on the basis of the permit issued by the panchayat in 2012 and the buildings bearing Nos.193/D and 193/E are removed within a period of three months from the date of receipt of a copy of this Judgment. This direction will also embrace any new construction which has been noted by the panchayat itself'*.

(d) KCZMA also decided that, while writing to the Secretary, Panavally Panchayat, the officer shall be directed to take action and report to KCZMA *'...in regard to the unnumbered buildings found on Vettilathuruthu island as per law as against the island owners'*.

The Chairman, KCZMA circulated the representation of the MLAs received by the Hon'ble Chief Minister, Government of Kerala, and the KCZMA has decided to proceed in accordance with the judgements and directions of the Hon'ble High Court of Kerala and Hon'ble Supreme Court.

Further to the above, considering certain observations of the Hon'ble Supreme Court and Hon'ble High Court of Kerala, the KCZMA decided that as part of enforcing the CRZ Notification with full vigour in an effective manner, a circular shall be sent to Secretaries of all the Panchayats/Urban Local Bodies falling within the CRZ area. The Director of Panchayats and the Secretary, LSGD can be informed of the laxity on the part of the LSGs in implementing CRZ Notification.

Dr. K.K. Ramachandran
Member Secretary

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Prof. V.N. Rajasekharan Pillai
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The meeting came to a close at 3:45pm

Dr. K.K. Ramachandran
Member Secretary, KCZMA

Prof. V.N. Rajasekharan Pillai
Chairman, KCZMA

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