

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

60th MEETING

Agenda & Notes

*Venue : Conference Hall, Sasthra Bhavan,
Pattom, Thiruvananthapuram.*

Date : 3.00 P.M on 18th November 2013

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

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

60th MEETING**Date & Time****Venue**

18th November, 2013
3.00 P.M

Sasthra Bhavan
Pattom, Thiruvananthapuram

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Agenda Item No. 60.1

Confirmation of the Minutes of the 58th meeting held on 27.07.2013

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

Agenda Item No. 60.2

Confirmation of the Minutes of the 59th Special Meeting held on 04.09.2013

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

Agenda Item No.60.3

Action Taken Report (57th meeting held on 24.06.2013).

Agenda Item No.	File No.	Subject and Decision	Action Taken
57.5.1	1697/A2/ 2011/KCZMA/ S&TD	Sub:- WP(C) No. 21621/11 filed by Dr. Francis Puthanagadi, Thrissur – Construction of Building Decision:- The KCZMA discussed the report in detail and decided to permit construction only for permissible activity subject to the condition that the building shall be used strictly for residential purpose.	Decision communicated on 22.07.2013.
57.5.2	2002/A2/201 2/KCZMA/ S&TD (1)	Sub:- Construction of Residential building by Smt. Kunnath Ayisha, Near Oliyakara Beach.P.O, Mattool South, Kannur. Decision:- The KCZMA discussed the proposal for construction of residential building by Smt. Kunnath Ayisha, Near Oliyakara Beach.P.O, Mattool South, Kannur and decided to constitute a committee for site visit with Shri. Baby John, Member KCZMA and Dr. P. Harinarianan, Scientific Officer, KSCSTE as members. The site visit will be carried out specifically on the hazard point of view.	Sub Committee constituted dated 26.08.2013.
57.5.3	2002/A2/201 2/KCZMA/ S&TD (2)	Sub:- Construction of Residential building by Sri. Pandaravalapil Shameem, Pandaravalapil House, P.O. Mattool South, Kannur. Decision:- The KCZMA discussed the	Sub Committee constituted.

		proposal for construction of residential building by Sri. Pandaravalapil Shameem, Pandaravalapil House, P.O. Mattool South, Kannur and decided to constitute a committee for site visit with Shri. Baby John, Member KCZMA and Dr. P. Harinarianan, Scientific Officer, KSCSTE as members. The site visit will be carried out specifically on the hazard point of view.	
57.5.4	60/A2/2013/ KCZMA/S&TD	Sub:- Establishment of Container Freight Station at Vallarpadam - MIV Logistics Pvt. Ltd. Decision:- The KCZMA had discussed the proposal for establishment of container freight station at Vallarpadam - MIV Logistics Pvt. Ltd. The KCZMA is not satisfied with the letter from Cochin Port Trust submitted by the proponent and decided that specific document is required on the time of reclamation to lead to a decision. The proposal is thus deferred.	File under process.
57.5.5	135/A2/2013 /KCZMA/ S&TD	Sub:- Construction of Residential building by Smt.K.Savithri, W/o.Vijayan, Perumpadappil (H), Mukkom. P.O, Kozhikode. Decision:- The KCZMA discussed proposal for Construction of residential building by Smt.K.Savithri, W/o.Vijayan, Perumpadappil (H), Mukkom.P.O, Kozhikode and decided not to grant clearance for the construction as it is in the No Development Zone of CRZ III.	Decision communicated on 13.06.2013.
57.5.6	187/A2/2013 /KCZMA/ S&TD	Sub:- Construction of Residential building in Thalassery Municipal area - Application of Smt.Sushida.D, Suresh Nivas, Chala, P.O. Thottada, Kannur-7. Decision:- The KCZMA discussed the proposal for construction of residential building in Thalassery Municipal area - Application of Smt.Sushida.D, Suresh Nivas, Chala, P.O. Thottada, Kannur and decided to grant clearance for the regularization of the residential building constructed in CRZ II landward of existing building.	Decision communicated on 30.07.2013.
57.5.7	221/A2/2013 /KCZMA/ S&TD	Sub:- Construction of building for Rural Apparel Park, Thalikkulam Grama Panchayath Decision:- The KCZMA discussed the appeal in detail and decided not to reconsider the earlier decision of the KCZMA that the construction is not permissible as per the CRZ Notification.	Decision communicated on 30.07.2013.

57.5.8	253/A2/2013 /KCZMA/ S&TD	<p>Sub:- Reconstruction of Shop Building as Residential Building by Sri.Valsan.K, Sivaranjini, Vadakkumbad, Erunjoli, Thalassery, Kannur.</p> <p>Decision:- The KCZMA discussed the proposal for reconstruction of existing shop building as residential building by Sri.Valsan.K, Sivaranjini, Vadakkumbad, Erunjoli, Thalassery, Kannur and decided to grant CRZ clearance as reconstruction for residential building is a permissible activity as per CRZ Notification.</p>	Decision communicated on 25.07.2013.
57.5.9	301/A3/2013 /KCZMA/ S&TD	<p>Sub:- Construction of Residential building by Mr. Sivakumar, C.S. Bhavan, Kurumandal, Paravoor, Kollam.</p> <p>Decision:- The KCZMA discussed the proposal for construction of residential building by Sri. Sivakumar, C.S.Bhavan, Kurumandal, Paravoor, Kollam and decided to grant CRZ clearance.</p>	Decision communicated on 22.07.2013.
57.5.10	500/A3/2013 /KCZMA/ S&TD	<p>Sub:- Construction of Residential Building by Sri.Moinual Haq, Chandrathil, Thekkumbhagam, Paravoor, Kollam.</p> <p>Decision:- The KCZMA meeting discussed the proposed the construction of residential building by Sri. Moinual Haq, Chandrathil, Thekkumbhagam, Paravoor, Kollam and decided to grant CRZ clearance.</p>	Decision communicated on 22.07.2013.
57.5.11	567/A2/2013 /KCZMA/ S&TD	<p>Sub:- Re-Construction of Residential Building by Smt. Madhavi Kunnumakkara.P.O, , Oorkkattery, Kozhikode</p> <p>Decision:- The KCZMA discussed the proposal for re-construction of residential building by Smt. Madhavi Kunnumakkara.P.O, , Oorkkattery, Kozhikode and decided to grant CRZ clearance.</p>	Decision communicated on 27.07.2013.
57.5.12	577/A3/2013 /KCZMA/ S&TD	<p>Sub:- Construction of additional area of existing Residential Building by Sri.A.Sisupalan, Punnapra South Grama Panchayath, Alappuzha.</p> <p>Decision:- The KCZMA discussed the proposal for construction of additional area of existing residential building by Sri.A.Sisupalan, Punnapra South Grama Panchayath, Alappuzha and decided to grant CRZ clearance.</p>	Decision communicated on 22.07.2013.

57.5.13	617/A2/2013 /KCZMA/ S&TD	<p>Sub:- Construction of building for Crematoria at Thalikulam Grama panchayat.</p> <p>Decision:- The KCZMA discussed the proposal for construction of building for crematoria at Thalikulam Grama panchayat and decided to grant CRZ clearance.</p>	Scrutiny fee pending.
57.5.14	662/A2/2013 /KCZMA/ S&TD	<p>Sub:- Construction of Residential Building by Sri. Sudheer P.K, Puthuvel Nikath, pannakkad, Kizhakkeppram, Thathappilli P.O North Paravoor, Ernakulam.</p> <p>Decision:- The KCZMA discussed the proposal for construction of residential building by Sri. Sudheer P.K, Puthuvel Nikath, pannakkad, Kizhakkeppram, Thathappilli P.O North Paravoor, Ernakulam and decided to constitute a committee comprising of Dr. A. Ramachandran, Member KCZMA and Dr. Kamalakshan Kokkal, Head CED, KSCSTE to conduct site visit and report to the KCZMA.</p>	Committee constituted on 27.07.2013 for site inspection.
57.5.15	702/A3/2013 /KCZMA/ S&TD	<p>Sub:- Construction of Apartment Building by M/s. Heera Kerala Developers Pvt. Ltd., - 'Heera Blue Waters' in Attipra Village, Thiruvananthapuram.</p> <p>Decision:- The KCZMA discussed in detail the proposal for construction of apartment building by M/s. Heera Kerala Developers Pvt. Ltd., 'Heera Blue Waters' in Attipra Village, Thiruvananthapuram and noted that there is a disparity in the NOC issued by Pollution Control Board in the built up area approved and proposed in the application for CRZ clearance. It is further noted that the proposed construction falls partly in CRZ area where new constructions are prohibited. The KCZMA decided that the area which was reclaimed by the proponent need to be restored. Construction can be permitted only outside CRZ area. Action against reclamation of lake shall be proceeded by invoking EP Act 1986.</p>	Notice issued to all the concerned on 12.08.2013.

57.5.16	753/A2/2013 /KCZMA/ S&TD	<p>Sub:- Construction of Residential Building by Sri.M.K.Abdul Rahman, M.K. House, Ariel.P.O, Pattuvam, Kannur.</p> <p>Decision:- The KCZMA discussed the proposal for Construction of Residential Building by Sri.M.K.Abdul Rahman, M.K. House, Ariel.P.O, Pattuvam, Kannur and decided to constitute a committee comprising of Shri. Baby John and Dr. P. Harinarayanan to conduct site inspection and report on the point of view of CRZ/hazard status of the location to the KCZMA.</p>	Sub Committee constituted.
57.5.17	756/A2/2012 /KCZMA/ S&TD	<p>Sub:- Construction of Building for Hydrographic Survey Office, Port Department at Munambam, North Paravur, Ernakulam.</p> <p>Decision:- The KCZMA discussed the proposal for construction of building for Hydrographic Survey Office, Port Department at Munambam, North Paravur, Ernakulam and decided to grant CRZ clearance.</p>	CRZ clearance granted.
57.5.18	800/A2/2013 /KCZMA/ S&TD	<p>Sub:- Construction of Residential Building by Smt. Seena, Punnathara House, Vallarpadam.P.O, Panambukadu, Mulavukadu, Ernakulam.</p> <p>Decision:- The KCZMA discussed the proposal for Construction of Residential Building by Smt. Seena, PunnatharaHouse, Vallarpadam. P.O, Panambukadu, Mulavukadu, Ernakulam and decided to not to grant CRZ clearance as the location is prone to natural hazards.</p>	Decision communicated on 30.07.2013.
57.5.19	825/A2/2013 /KCZMA/ S&TD	<p>Sub:- Reconstruction of Residential building by Sri.Hameed, S/o. Kunhammad kutty, Kunnummakara, Eramala Panchayath, Vadakara, Kozhikode.</p> <p>Decision:- The KCZMA discussed the proposal for reconstruction of residential building by Sri.Hameed, S/o. Kunhammad kutty, Kunnummakara, Eramala Panchayath, Vadakara, Kozhikode and decided to call for details pertaining to the plinth area of the existed building from the Panchayat.</p>	Reply from the Grama Panchayath awaited.
57.5.20	828/A3/2013 /KCZMA/ S&TD	<p>Sub:- Judgement in WP(C) No. 6649/07 filed by Sri. V.C. Augustine, Alappuzha.</p> <p>Decision:- The KCZMA discussed the judgement in WP(C) No. 6649/07 filed by Sri. V.C. Augustine, Alappuzha and</p>	Letter issued to District Collector and Grama Panchayath on

		decided to call for status of reclamation from the Panchayat and the District Collector to take action on illegal encroachment if any as per the provisions contemplated under the Land Conservancy Act 1957.	30.07.2013.
57.5.21	861/A2/2013 /KCZMA/ S&TD	Sub:- Construction of Dwelling unit by Smt.B.K.Narayani, D/o, Umbungan (L), Udma West, P.O. Udma West -671319, Kasargod. Decision:- The KCZMA discussed the construction of dwelling unit by Smt.B.K.Narayani, D/o, Umbungan (L), Udma West, P.O. Udma West -671319, Kasargod and decided to grant CRZ clearance.	Decision communicated on 27.07.2013.
57.5.22	886/A3/2013 /KCZMA/ S&TD	Sub:- Construction of Building for Hollow Brick Unit by Sri. Yesudasan, Das Bhavan, Meenathucherry, Kavanad.P.O, Sakthikulangara, Kollam. Decision:- The KCZMA discussed the proposal for construction of building for hollow brick Unit by Sri. Yesudasan, Das Bhavan, Meenathucherry, Kavanad.P.O, Sakthikulangara, Kollam and decided to not to grant CRZ clearance.	Decision communicated on 22.07.2013.
57.5.23	918/A2/2013 /KCZMA/ S&TD	Sub:- Construction of Wood Polishing Centre by Shri.P.T. Shamsudheen, Puthiyangadi Village, Kozhikode corporation. Decision:- The KCZMA discussed the proposal for construction of wood polishing centre by Shri.P.T. Shamsudheen, Puthiyangadi Village, Kozhikode corporation and decided to call for NOC from Pollution Control Board.	Reply from the applicant awaited.
57.5.24	940/A2/2013 /KCZMA/ S&TD	Sub:- Construction of Building for Tourist Police Assistance Centre by District Police, Kozhikode. Decision:- The KCZMA discussed the proposal for Construction of Building for Tourist Police Assistance Centre by District Police, Kozhikode and decided to grant CRZ clearance.	CRZ clearance granted communicated on 03.08.2013.
57.6.1	850/A3/2013 /KCZMA/ S&TD	Sub:- Construction of Office Cum Laboratory Building CMFRI, Vizhinjam Research Centre, Thiruvananthapuram. Decision:- The KCZMA discussed the proposal for construction of office cum laboratory building of CMFRI, Vizhinjam Research Centre, Thiruvananthapuram and decided to grant CRZ clearance as the research activities of CMFRI require water frontage.	Decision has not been communicated since Dr.K.Padmakumar, Member, KCZMA raised an objection against the decision. Proposal again placed in the 58 th meeting of KCZMA.

57.6.2	1674/A3/ 2012/KCZMA/ S&TD	<p>Sub:- Construction of Residential building of Sri.Gopalakrishnan, Puthen Veettil, Adinadu South, Kulasekharapuram, Kollam.</p> <p>Decision:- The KCZMA discussed the proposal for construction of residential building of Sri.Gopalakrishnan, Puthen Veettil, Adinadu South, Kulasekharapuram, Kollam and decided to grant CRZ clearance.</p>	Decision communicated on 22.07.2013.
57.6.3	913/A3/2013 /KCZMA/ S&TD	<p>Sub:- Construction of Marine Diesel outlet by Sri.Thomson Gilbert/Philomine Antony, Thuruthil Puthen Benglaw, Sakthikulangara, Kollam.</p> <p>Decision:- The KCZMA discussed the proposal for Construction of Marine Diesel outlet by Sri.Thomson Gilbert/Philomine Antony, Thuruthil Puthen Benglaw, Sakthikulangara, Kollam and decided to grant CRZ clearance subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.</p>	Decision communicated on 22.07.2013.
57.6.4	1548/A2/ 2012/KCZMA/ S&TD	<p>Sub:- Construction of building for AFT, Mulavukad Grama Panchayat.</p> <p>Decision:- The KCZMA heard the Registrar, AFT and discussed the matter in detail. Further, KCZMA decided that the committee consisting of Dr. A. Ramachandran, Member KCZMA, Dr. K. Padmakumar Member KCZMA, Dr. K.V. Thomas, Scientist, CESS, Dr. Sajith Babu, Asst. Commissioner, CLR (representing Principal Secretary, Revenue) and Dr. Kamalakshan Kokkal shall make a site visit to appraise the CRZ status to the KCZMA.</p>	Committee constituted on 30.07.2013 for site inspection.
57.6.5	593/A3/2013 /KCZMA/ S&TD	<p>Sub:- Construction of a star Hotel "ALL SEASON" in Thrikkadavoor Grama Panchayat violating CRZ Provisions.</p> <p>Decision:- The KCZMA discussed the Construction of a star Hotel "ALL SEASON" in Thrikkadavoor Grama Panchayat violating CRZ Provisions and decided to call for explanation from the Secretary, Thrikkadavoor Grama Panchayat and instruct to issue Stop Memo to the proponent of the Hotel.</p>	Notice issued to the Grama Panchayath on 24.07.2013.

57.6.6	1831/A3/ 2012/KCZMA/ S&TD	<p>Sub:- Representation of Kerala Hotel & Restaurant Association, Thiruvananthapuram District Committee against the Vizhinjam International Sea Port.</p> <p>Decision:- The KCZMA discussed representation of Kerala Hotel & Restaurant Association, Thiruvananthapuram District Committee against the Vizhinjam International Sea Port and the letter submitted by VISL in this regard. The KCZMA decided that the apprehensions raised by the KHRA is premature and the KHRA can raise their objections/suggestions during the public hearing.</p>	Decision communicated to the Environment Department on 21.06.2013
57.6.7	849/A2/2013 /KCZMA/ S&TD	<p>Sub:- Construction of Residential building by Sri.Prasanth.C & Lincy.T.M. Chandrathil (H), Ariyalloor.P.O, Malappuram district.</p> <p>Decision:- The KCZMA discussed Construction of residential building by Sri. Prasanth.C & Lincy.T.M. Chandrathil (H), Ariyalloor.P.O, Malappuram district and decided to grant CRZ clearance as per the CRZ Notification 2011, Clause 8 III B(vii).</p>	Decision communicated on 27.07.2013.
Other Items		<p>In compliance of the Interim Orders of the Hon'ble High Court dated 06-12-2012 and 07-06-2013 in the petition moved by the Pentagon Builders, Calicut as per W.P.(c) NO. 22854/2012, The KCZMA heard the Petitioner M/s Pentagon Builders, Calicut represented by one of its Advocates Shri. Mathew B.Kurian. He then submitted a statement containing 12 points to the KCZMA and also presented their points before the KCZMA. The members of KCZMA also deliberated based on the hearing note circulated by the Member Secretary and also by perusing the relevant files.</p> <p>Based on the statement and points submitted by the Petitioner, the KCZMA decided the following:</p> <ol style="list-style-type: none"> (1) The construction is taking place without obtaining CRZ clearance which is in violation of the provisions of CRZ Notifications 1991 and 2011. (2) The proponent shall submit a certificate from the local authority (Kozhikode Corporation) or from the Chief Town Planner to Govt. of 	Decision communicated.

		<p>Kerala on the approved F.A.R. as on 1991 in that area.</p> <p>Meanwhile, it was also decided that the KCZM5A shall write to the Secretary, Kozhikode Corporation and the Chief Town Planner to obtain information on the approved F.A.R as on 1991 in that area.</p>	
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Agenda Item No. 60.4

Action Taken Report (58th meeting held on 27.07.2013)

Agenda Item No.	File No.	Subject and Decision	Action Taken
58.3.1	File No. 138/A2/2013/ KCZMA/S&TD	<p>Sub:- Regularization of Construction of Mosque Building at Vaikom, Kottayam.</p> <p>Decision:- The KCZMA discussed the proposal in detail and decided not to regularize the construction. The decision will also be communicated to the panchayath.</p>	Decision communicated to the Grama Panchayath and the applicant on 17.09.2013.
58.3.2	File No. 870/A2/2013/ KCZMA/S&TD	<p>Sub:- Construction of Dwelling house by Smt. Saritha Babu, Valiyaparambu House, Ettithara, Vaniyakkad, Mandham.P.O, North Paravoor, Ernakulam.</p> <p>Decision:- The KCZMA discussed the proposal in detail and decided to grant CRZ clearance for the construction of dwelling unit proposed by Smt. Saritha Babu, Valiyaparambu House, Ettithara, Vaniyakkad, Mandham.P.O, North Paravoor, Ernakulam.</p>	Decision communicated on 13.09.2013.
58.3.3	File No. 1248/A3/2013 /KCZMA/S&TD	<p>Sub:- Comprehensive Environmental Impact Assessment (CEIA) study for Vizhinjam International Seaport Project – Complaint against violations of CRZ Notification, 1991 by Resorts.</p> <p>Decision:- The KCZMA discussed the agenda in detail and decided to constitute a committee with Dr A. Ramachandran - Member KCZMA, Dr. A Padmakumar – Member KCZMA, Chief Town Planner and Director CESS or his nominee (Convenor) to examine the violations and submit report to KCZMA.</p>	Committee has been constituted vide proceedings dated, 10.09.2013.

58.3.4	File No. 1081/A3/2013 /KCZMA/S&TD	Sub:- Regularisation of Shed (Residential) built by Sri.Manoj, Kochemparambu, Punnapra, Alappuzha. Decision:- The KCZMA discussed the proposal for regularization of the shed and decided not to regularize the construction as the location is vulnerable to hazard.	Decision communicated on 02.09.2013.
58.3.5	File No. 1037/A3/2012 /KCZMA/S&TD	Sub:- CRZ violations in Karumkulam Grama Panchayath, Neyyattinkara, Trivandrum alleged by Sri.T.Joseph. Decision:- The KCZMA discussed the alleged violations in the area and decided to constitute a committee to enquire the violations with Dr. A Padmakumar, Member KCZMA and Dr. Kamalakshan Kokkal, Joint Director, KSCSTE as members.	Committee has been constituted for site inspection on 06.09.2013.
58.3.6	File No. 1114/A3/2013 /KCZMA/S&TD	Sub:- Regularisation of Residential building built by Sri. Suresh, Chitra Bhavan, Aadhinad.P.O, Kulasekharapuram, Kollam. Decision:- The KCZMA discussed the proposal in detail and decided to permit the regularization of the construction of residential building made by Sri. Suresh, Chitra Bhavan, Aadhinad.P.O, Kulasekharapuram, Kollam, who belongs to the fishermen community.	Decision communicated on 29.08.2013.
58.3.7	File No. 1285/A3/2013 /KCZMA/S&TD	Sub:- CRZ clearance for the development of Vizhinjam International Deep water Seaport Project. Decision:- A presentation was made by the proponents and the consultants before the KCZMA. The KCZMA discussed the proposal in detail decided to recommend the proposal to MoEF, Government of India.	Letter issued to Ministry of Environment & Forest on 24.08.2013.
58.3.8	File No. 1031/A2/2013 /KCZMA/S&TD	Sub:- Establishing Marine Diesel Outlet by Smt. Shahitha.T.A, Marackaparambil House, Kunjithai, Vadakkekara, North Paravoor, Ernakulam. Decision:- The KCZMA discussed the proposal in detail and decided to permit the establishment of Marine Diesel Outlet by Smt. Shahitha.T.A, Marackaparambil House, Kunjithai, Vadakkekara,	Decision communicated.

		North Paravoor, Ernakulam subject to implementation of safety regulations including guidelines issued by the oil industry safety directions in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementations of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.	
58.3.9	File No. 2288/A2/2012 /KCZMA/S&TD	Sub:- Construction of Residential Building by Sri. Sunil Kumar.P.P, Aryallur.P.O, Malappuram. Decision:- The KCZMA discussed the proposal for construction of a residential building by Sri. Sunil Kumar.P.P, Aryallur.P.O, Malappuram and decided to grant CRZ clearance for the construction of the residential building of 82.264m ² , Height 6.095m (Two floors) in Re. Sy. No. 103/16, (0.0314 hectare).	Decision communicated on 28.09.2013.
58.4.1	File No. 1055/A2/2013 /KCZMA/S&TD	Sub:- Regularisation of Construction made for Apartment by Shri.Shanmugan and Others, Elathur, Kozhikode. Decision:- The KCZMA discussed the proposal in detail and decided to take action against the violations by invoking the provisions of EP Act and rules thereon.	Notice issued on 23.10.13.
58.4.2	File No. 721/A3/2013/ KCZMA/S&TD	Sub:- Regularisation of construction made for Residential purpose by Sri. Santhosh, Bhakthi Vilasam, Ashtamudi, Thrikkaruva, Kollam. Decision:- The KCZMA discussed the proposal in detail and decided to permit the regularization of the construction made for Residential purpose with plinth area of 107m ² , height 6.5m, two floors in Sy. No. 57/10/3 of Thrikkaruva Village (7 cents) by Sri. Santhosh, Bhakthi Vilasam, Ashtamudi, Thrikkaruva, Kollam.	Decision communicated on 29.08.2013.
58.4.3	File No. 1316/A3/2013 /KCZMA/S&TD	Sub:- Construction of Residential Building by Smt. Mini, Ayyanparambu, Punnapra.P.O, Alappuzha. Decision:- The KCZMA discussed the proposal in detail and decided	Decision communicated on 27.08.2013.

		to grant CRZ clearance for the construction of residential building with a plinth area of 109.92m ² (two floors), height 6.9m in Re. Sy. No. 54/2-1 by Smt. Mini, Ayyanparambu, Punnapra.P.O, Alappuzha.	
58.4.4	File No. 1317/A3/2013 /KCZMA/S&TD	Sub:- Regularisation of Residential Building by Sri. Maji.P.J, Karukaparambil, Punnapra.P.O, Alappuzha-4. Decision:- The KCZMA discussed the proposal in detail and decided to permit regularization of residential building with a plinth area of 67.50m ² . single storied in Sy. No. 88/26 in Punnapra Village by Sri. Maji. P.J, Karukaparambil, Punnapra.P.O, Alappuzha-4.	Decision communicated on 27.08.2013.
58.4.5	File No. 333/A2/2013 /KCZMA/S&TD	Sub:- മത്സ്യതൊഴിലാളികളുടെയും അനുബന്ധ തൊഴിലാളികളുടെയും ക്ഷേമം സംബന്ധിച്ച നിയമസഭാ സമിതിയുടെ (2011-14) ഒന്നാമത് റിപ്പോർട്ടിന്മേലുള്ള തീരുമാനം Decision:- KCZMA decided that CESS shall develop a model plan for one of the coastal panchayats and submit within a month to KCZMA.	Report awaited.
58.4.6	File No. 1051/A2/2013 /KCZMA/S&TD	Sub:- Construction of Building by Sri. Madhu P.P, Puthiyapurayil (H), Thekekkad, Padnakadappuram P.O, Kasaragod, Decision:- The KCZMA discussed the proposal in detail and decided to grant CRZ clearance the construction of residential building with plinth area of 35.20m ² , single storied in Re. Sy. No. 267/6 by Sri. Madhu P.P, Puthiyapurayil (H), Thekekkad, Padnakadappuram P.O, Kasaragod.	Decision communicated on 13.09.2013.
58.4.7	File No. 1276/A2/2013 /KCZMA/S&TD	Sub:- Construction of Commercial Building by Smt. Kochan Kudukil Khadeja and 8 others, Vadakumbad.P.O, Ramanthali, Kannur Decision:- The KCZMA discussed the proposal in detail and decided not to permit the regularization of the building as it amount to violation.	Decision communicated on 02.09.2013.
58.4.8	File No. 1555/A3/2013 /KCZMA/S&TD	Sub:- CRZ clearance for the Pilot Project at Mathipuram Slum, Vizhinjam, Thiruvananthapuram Decision:- The KCZMA discussed	Decision communicated on 26.08.2013.

		the proposal in detail and decided to permit construction of the buildings with ground floor + One floor.	
58.4.9	File No. 2173/A2/2012 /KCZMA/S&TD	Sub:- Construction of Houses under EMS Housing Scheme, Chorodu Grama Panchayath, Kozhikode district Decision:- The KCZMA discussed the proposal in detail and decided to communicate to the Panchayat that the locations of the proposed construction are in proximity to the sea front and hence is vulnerable to hazard.	Decision communicated.
58.4.10	File No. 513/A2/2013/ KCZMA/S&TD	Sub:- Construction of Mobile Telecommunication Tower in Kadappuram Village, Chavakkad Taluk, Thrissur District. Decision:- The KCZMA discussed the proposal in detail and decided not to permit the construction of the telecommunication tower as the location being in No Development Zone of CRZ III.	Decision communicated to Grama Panchayath and applicant.

Agenda Item No. 60.5

Action Taken Report (59th Special Meeting held on 04.09.2013).

Agenda Item No.	File No.	Subject and Decision	Action Taken
59.1	1779/A2/ 2013/KCZMA /S&TD	Sub:- 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.	Notice issued to all the concerned on 19.09.2013.

		<p>Decision:-</p> <p>(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:</p> <p><u>The necessity of effective implementation of CRZ Notifications also requires serious attention at the hands of KCZMA; and</u></p> <p><u>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:</u></p> <p>(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.</p> <p>(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.</p>	<p>Report sent to MOEF</p>
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		<p>(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.</p> <p>(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.</p> <p>(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 Vettala Thuruthu by Vamika Resorts. Therefore, the directions of the Hon'ble High Court have to be complied in this respect.</p> <p>(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:</p> <p>(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</p>	<p>Report from CESS awaited</p> <p>Report sent to MOEF</p> <p>Notice issued to all the concerned on 19.09.2013</p>
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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.

Circular issued

Agenda Item No. 60.6

Consideration of **New Agenda items.**

Agenda Item No. 60.6.1

File No. 971/A3/2013/KCZMA/S&TD

Construction of Residential Building by Shri.K.P.John, Kulangara,**Thaikkal.P.O, Cherthala, Alappuzha**

- Name of Applicant** : Shri.K.P.John, Kulangara, Thaikkal.P.O, Cherthala, Alappuzha.
- Project Details** : Construction of Residential Building.
- Activities proposed** : Construction of building with plinth area of 266.11m² construction of soak pit and septic tank and rain water Harvesting structure.
- Location Details** : Sy. No. 453/7A, 1.6 (7.75 cents).
100m from HTL of sea.
- CRZ of the area** : The area is in the No Development Zone of CRZ-III. Between 100-200m from HTL of sea.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, Clause 8 III A(ii) No new constructions shall be permitted in the No Development Zone of CRZ III. Construction of dwelling units of traditional coastal communities including fisher folk may be permitted between 100-200m along sea front in accordance with a comprehensive plan prepared and approved by Ministry of Environment & Forest.
- Comments** : The Secretary, Kadakkarappally Grama Panchayath has informed that the applicant belongs to traditional fisher folk community.

Hence the matter is placed before the KCZMA meeting for a decision.

Agenda Item No. 60.6.2**File No. 1059/A3/2013/KCZMA/S&TD****Construction of Building for Packed Drinking Water and Soda making unit by Sri.Christy Boy / Vijayamma, Mathalayam, Thrikkadavoor, Kollam**

- Name of Applicant** : Sri. Christy Boy / Vijayamma, Mathalayam, Nediyaazhikath Veedu, Thrikkadavoor, Kollam.
- Project Details** : Construction of building for Packed drinking water and soda making unit (industry).
- Activities proposed** : A building with total plinth area of 253m² (3 blocks) setting industrial unit. Drawing of ground water from CRZ area.
- Location Details** : Re. Sy. No. 239/4, 5, 7, 14. Ward No.III of Thrikkadavoor.
- CRZ of the area** : The area is on the banks of Ashtamudi Backwater. 100m landward of HTL is CRZ – No Development Zone.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011 Clause 3 (i) setting up industry is prohibited in CRZ area. Moreover as per Clause 8 III A (ii) No new constructions can be permitted in the No Development Zone of CRZ III. Drawing of ground water in CRZ area using mechanized means is also prohibited

Hence the matter is placed before the KCZMA meeting for a decision.

ആദിച്ചനല്ലൂർ പഞ്ചായത്തിൽ ഇത്തിക്കര ആറിന്റെ തീരത്ത് CRZ നിയമം ലംഘിച്ച് ശ്രീ. നജുമുദ്ദീൻ ഷോപ്പിംഗ് കോംപ്ലക്സ് പണിയുന്നതായി ശ്രീ.കെ.ശ്രീകുമാർ, സെക്രട്ടറി, മൈലക്കാട് പൗരസമിതിയുടെ പരാതി.

ആദിച്ചനല്ലൂർ പഞ്ചായത്തിൽ ഇത്തിക്കര ആറിന്റെ തീരത്ത് CRZ നിയമം ലംഘിച്ച് ശ്രീ.നജുമുദ്ദീൻ എന്നയാൾ ഷോപ്പിംഗ് കോംപ്ലക്സ് പണിയുന്നതായി മൈലക്കാട് പൗരസമിതി സെക്രട്ടറി ശ്രീ.കെ.ശ്രീകുമാർ പരാതി സമർപ്പിച്ചിട്ടുണ്ട്. ഇത്തിക്കര ആറിൽ നിന്നും 15 മീറ്റർ ദൂരപരിധിയിൽ ഉൾപ്പെടുന്ന സ്ഥലത്താണ് കെട്ടിട നിർമ്മാണമെന്നും, നിലവിലുള്ള കടമുറി പൊളിച്ചു മാറ്റിയിട്ടാണ് പുതിയ നിർമ്മാണത്തിന് അപേക്ഷ നൽകിയതെന്നും, എന്നാൽ CRZ അനുമതി ലഭിക്കാതെ പ്രവർത്തനങ്ങൾ തുടങ്ങിയതിനാൽ പഞ്ചായത്ത് നിരോധന ഉത്തരവ് നൽകിയിട്ടുണ്ടെന്നും 02.01.2012-ലെ കത്ത് പ്രകാരം പഞ്ചായത്ത് സെക്രട്ടറി അറിയിച്ചിരുന്നു. എന്നാൽ തദ്ദേശ സ്വയംഭരണ വകുപ്പിൽ നിന്നും ലഭിച്ച നിർദ്ദേശത്തിന്റെ അടിസ്ഥാനത്തിൽ പൊളിച്ചുമാറ്റിയ പഴയ കെട്ടിടത്തിന്റെ അതേ വിസ്തൃതിയിൽ (56m²) പുനർ നിർമ്മാണത്തിന് അനുമതി നൽകിയിട്ടുണ്ടെന്നും ആയത് പുനർ നിർമ്മിച്ചിട്ടുണ്ടെന്നും 09.07.2012-ലെ കത്ത് പ്രകാരം പഞ്ചായത്ത് സെക്രട്ടറി അറിയിച്ചിട്ടുണ്ട്.

CRZ-III-ൽ പഴയ കെട്ടിടത്തിന്റെ plinth area, Density, Floor Space Index (FSI) എന്നിവയിൽ വ്യത്യാസം വരുത്താതെയുള്ള പുനർ നിർമ്മാണം അനുവദനീയ പ്രവർത്തനമാണ് എങ്കിലും CRZ വിജ്ഞാപനം പ്രകാരം CRZ പ്രദേശത്തുള്ള ഏതു തരം നിർമ്മാണ പ്രവർത്തനങ്ങളും വികസന പ്രവർത്തനങ്ങളും, KCZMA / MoEF / NCZMA-യുടെ മുൻകൂർ അനുമതിയോട് കൂടി മാത്രമേ നടത്താൻ പാടുള്ളൂ. എന്നാൽ മേൽ വിവരിച്ച നിർമ്മാണം സംബന്ധിച്ച് Local Self Government Department-ന്റെ നിർദ്ദേശ പ്രകാരം പുനർ നിർമ്മാണത്തിന് പഞ്ചായത്ത് അനുമതി നൽകിയിട്ടുണ്ട്.

ഇത്തരത്തിനുള്ള നിർദ്ദേശങ്ങൾ CRZ വിജ്ഞാപനത്തിന്റെ അന്തസ്സത്തയ്ക്ക് വിരുദ്ധമായതിനാൽ മേൽ വിജ്ഞാപന പ്രകാരം CRZ ക്ലിയറൻസ് നൽകുന്നതിനുള്ള അധികാരം KCZMA-യിൽ മാത്രമാണോ നിക്ഷിപ്തമായിരിക്കുന്നതെന്നും, അതോ മേൽ വിജ്ഞാപനത്തിന്റെ നിയമാവലികൾ പാലിച്ചു കൊണ്ട് Local Self Government Department-ന് ഇത്തരത്തിനുള്ള നിർദ്ദേശങ്ങൾ നൽകാവുന്നതാണോയെന്നും പരിശോധിക്കേണ്ടതുണ്ട്.

മേൽ വിഷയത്തിന്മേൽ തീരുമാനമെടുക്കുന്നതിനായി KCZMA-യുടെ മീറ്റിംഗിൽ വയ്ക്കുന്നു.

Regularisation of Construction of dwelling unit by Smt. Ambujam, Puthen Paramba, Purakkad, Alappuzha

- Name of Applicant** : Smt. Ambujam, Puthen Paramba, Purakkad, Alappuzha
- Project Details** : Regularisation of construction of dwelling Unit. The construction is made in the year 1990
- Location Details** : Sy. No. 28/7-2-2, 28/7.3 of purakkad Vilage.30m from HTL of sea
- CRZ of the area** : The area is in the NDZ of CRZ III.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011 clause 8 III A (ii) no new construction can be permitted in the No Development Zone of CRZ III.
- Comments** : The construction as per the application submitted is shown as 1990 and it has not been regularised till date.

Hence the matter is placed before the KCZMA meeting for a decision.

Construction of Office Building for Purakkad Grama Panchayath,
Purakkad P.O, Alappuzha

- Name of Applicant** : The Secretary, Purakkad Grama Panchayat.
- Project Details** : Construction of Office Building.
- Activities proposed** : Construction of office building with plinth area of 540m², Two floors, height Below 9m .
- Location Details** : Re. Sy. No. 200/13 Block 18 of Purakkad village 75m from HTL of sea.
- CRZ of the area** : The area is in the NDZ of CRZ III.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011 No new constructions can be permitted in the No Development Zone of CRZ III. Only reconstruction can be permitted.
- Comments** : The minutes of the Panchayat states that the construction is to be made after demolishing the PHC building. The Panchayath has informed that the existing building was constructed in 1960 and its plinth area is 69.06m². The plinth area of the proposed building exceeds the plinth area of the old building.

Hence the matter is placed before the KCZMA meeting for a decision.

Construction of Marine diesel outlet by Shri. Lixon Xavior & Smt. Mercy**Lixon, Bethel, Thrikkadavur, Kureepuzha P.o, Kollam.**

- Name of Applicant** : Shri. Lixon Xavior & Smt. Mercy Lixon, Bethel Thrikadavur, Kureepuzha P.O, Kollam.
- Project Details** : Establishing Marine diesel outlet.
- Activities Proposed** : Construction of office building, setting up of fuel tank, dispense etc.
- Location Details** : Re. Sy. No. 46/9, 20/115-2 and 46/6 of Thrikkadavoor village 3m from HTL of backwater.
- CRZ of the area** : The area is in the NDZ of CRZ III.
- Provisions of CRZ Notifications.** : As per provisions of CRZ Notification 2011, facilities for receipt and storage of petroleum products can be permitted in CRZ area subject to implementation of safety regulations including guidelines issued by Oil Industry Safety Directorate in MoEF [Clause 3 (ii)]. The present application is for marine outlet and it is meant for the fisherman community.

Hence the matter is placed before the KCZMA meeting for a decision.

**Re-construction of Residential Building by Shri. Suran and others, Kiliyante
Mudumbu Veedu, Panthura, Pachalloor P.O, Thiruvananthapuram**

- Name of Applicant** : Shri. Suran & others, Kiliyante Mudumbu Veedu, Panathura, Pachalloor.P.O, Thiruvananthapuram.
- Project Details** : Reconstruction of dwelling units with plinth area of 53.88m²
- Activities Proposed** : Construction of building, plinth area 53.88m²
Height : 4.34m, single floor.
- Location Details** : Re. Sy. No. 1561/5-1, 1561-5-1-1 (0.69 Are + 0.81 Are) 50m HTL of sea.
- CRZ of the area** : The area is in the NDZ of CRZ III.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, reconstruction of existing authorized structures is permissible in No Development Zone of CRZ III (Clause 8 III A (ii)).
- Comments** : The building (A hut bearing T.C No 67/167) existed earlier has been demolished and foundation for the new building has been constructed. The applicant belongs to traditional coastal community.

Hence the matter is placed before the KCZMA meeting for a decision.

Agenda Item No. 60.6.8

File No. 1527/A3/2013/KCZMA/S&TD

**CRZ clearance for proposed expansion at Club Mahindra "Holidays & Resorts"
(Ashtamudi Resort) at Thekkumbhagam, Kollam**

Sri. Anil Kumar.L, Head Resort Operations, Kerala has furnished a proposal seeking No Objection Certificate for proposed expansion at Club Mahindra Holidays & Resorts (Ashtamudi Resort) at Thekkumbhagam, Kollam. The technical report (**copy enclosed**) has revealed that the proposed construction lies beyond 50m from HTL of backwater and hence outside CRZ. Similarly, reconstruction made earlier for existing building does not attract CRZ based on Court direction as per Judgement in WP(C) No. 16876 of 2006 (**copy enclosed**). The Environment Group has recommended to provide NOC to the new construction as it lies outside CRZ limits after placing in the KCZMA meeting.

Hence the matter is placed before the KCZMA meeting for a decision.



Kerala State Council for Science, Technology and Environment

No. 188/ENV/13/CZMA

Dated: 17.08.2013

From

The Joint Director
KSCSTE

To

The Ex- Officio Principal Secretary
S&T Department

Sir,

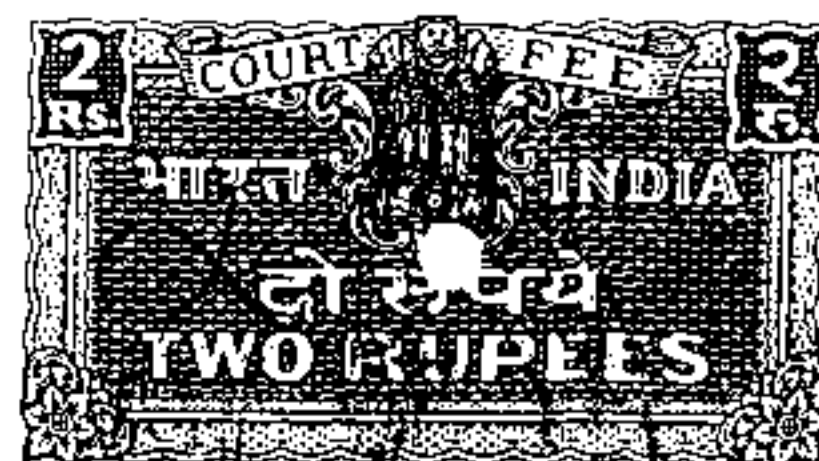
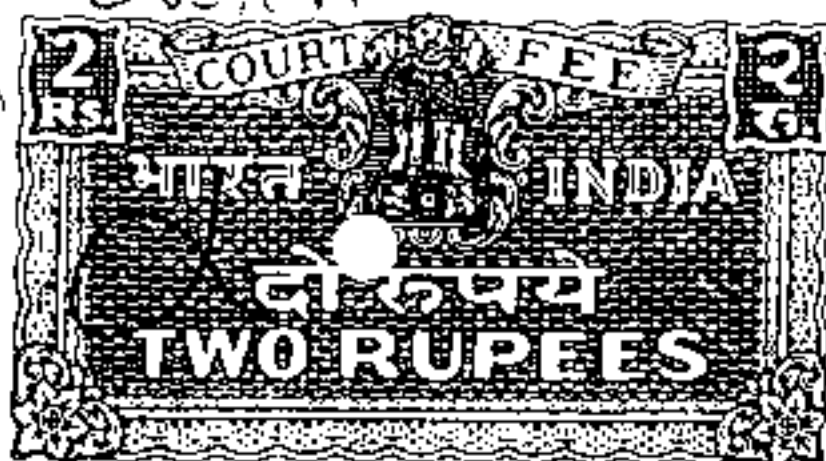
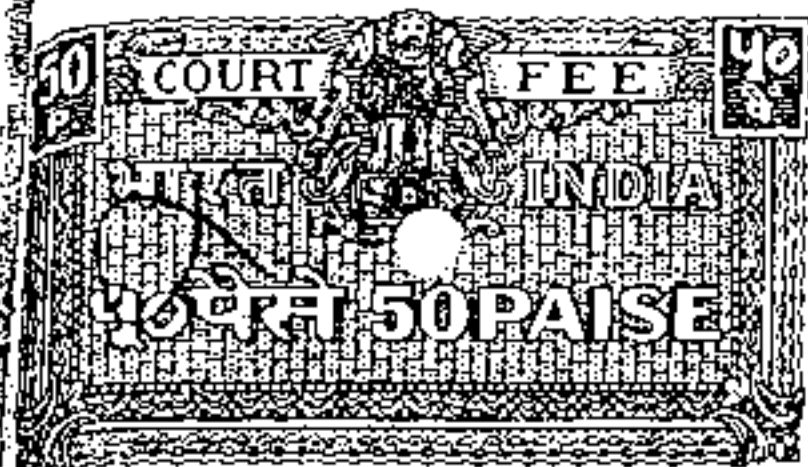
Sub: - Thekkumbhagam Panchayath- CRZ clearance for proposed expansion at Club Mahindra Holidays & Resorts-reg

Ref. No: 1527/A3/13/KCZMA/S&TD

With reference to the above, the proposed construction lies beyond 50m from HTL of backwater and hence outside CRZ. as per the CRZ report prepared by CESS. The existing buildings are in the CRZ area and as per judgment in W P © No.16876 of 2006 the court has stated, on the basis of Counter Affidavit submitted by respondents including S&T Department, that for the reconstruction of existing buildings CRZ 1991 is not applicable. Hence the reconstruction made earlier for existing building does not attract CRZ based on Court direction, which may be placed in the KCZMA meeting for discussion. The NoC may be provided to the new constructions as it lies outside CRZ limits after placing in the KCZMA meeting. This is for your kind information and necessary action.

Yours faithfully,

(Dr. Kamalakshan Kokkal)
Joint Director & Scientist F
For Member Secretary



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 13TH JULY 2006 / 22ND ASHADHA, 1928

WP(C).No. 16876 of 2006(H)

PETITIONER:

K. RADRAKRISHNA PILLAI,
AGED 40, S/O. KARUNAKARAN PILLAI,
SOPANAM, VADAKKUMBHAGOM, CHAVARA SOUTH,
KOLLAM DISTRICT.

BY ADV. SRI. PRAMOD J. DEV

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF SCIENCE, TECHNOLOGY AND ENVIRONMENT, STATE SECRETARIAT, THIRUVANANTHAPURAM.
2. M/S. ASHTAMUDI RESORTS PVT. LTD., CHAVARA SOUTH, KOLLAM 691 584, REPRESENTED BY ITS MANAGING DIRECTOR VENU.

BY ADV. SRI. F. B. SAHASRANAMAN
SRI. K. JAGADEESH
SRI. T. S. HARIKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ATTESTED



(Signature)
No: 243/13

RAM MOHAN R.
ADVOCATE & NOTARY

19/3/2005
KOLLAM - 35
Mob: 9847088084

S.SIRI JAGAN, J.



W.P. (C).No.16876 of 2006

Dated this the 13th day of July, 2006


J U D G M E N T

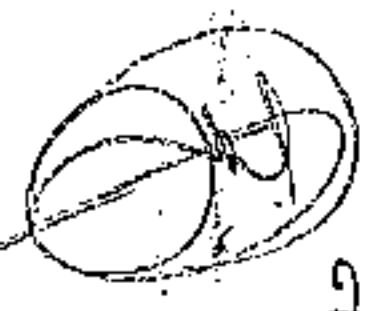
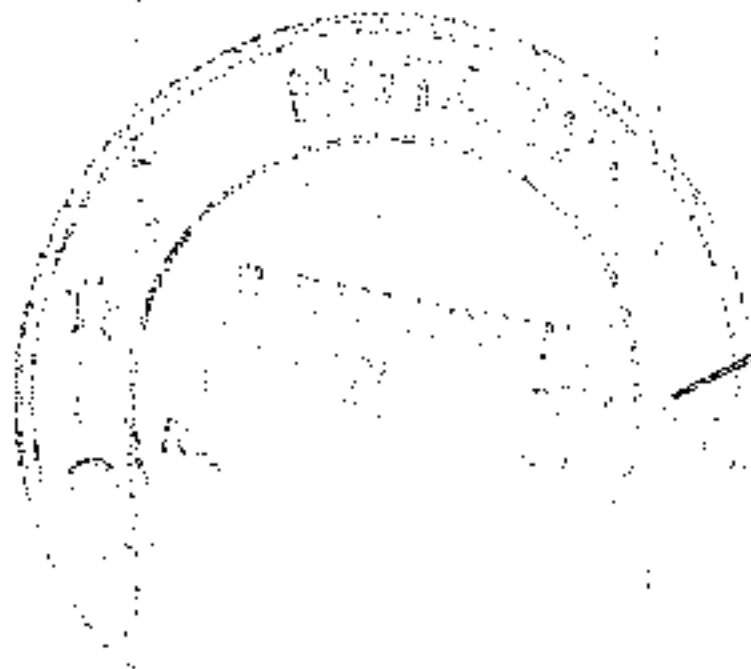
In view of the explanation given in the counter affidavit, the learned counsel for the petitioner submits that the petitioner is convinced that this is a case of reconstruction, in which case, Coastal Regulation Zone Notification 1991, is not applicable to the building in question and therefore, the writ petition can be closed. In view of the submission made by the counsel for the petitioner, this writ petition is closed.

sdk+

Sd/-
S.SIRI JAGAN, JUDGE

///True copy///


P.A. to Judge.



No. 243/13

RAM MOHAN P.
ADVOCATE & CO. PVT. LTD.
TALUKA 207703, MOBI: 9847000041

2

Agenda Item No. 60.6.9

File No. 208/A2/2011/KCZMA/S&TD

**Report of the Sub Committee constituted to study the CRZ aspects for
construction of Houses under Government Housing Scheme in Edavanakkad
Grama Panchayath**

A Sub Committee was constituted to study the CRZ aspects with regard to the proposal for the construction of Houses under Government Housing Scheme in Edavanakkad Grama Panchayath. Copy of the inspection report may be seen **attached** to this.

KCZMA may discuss the report and advise on the further course of action.

REPORT ON CRZ SITE VISIT IN EDAVANAKKAD GRAMAPANCHAYATH AREA, ERNAKULAM DISTRICT

1. Introduction

Kerala Coastal Zone Management Authority constituted a committee consists of Prof. A. Ramachandran, Registrar, CUSAT and Dr. Kamalakshan Kokkal, Joint Director and Head, KSCSTE vide letter No. 208/A2/2011/KCZMA/S&TD dated 24.05.2013 for verification of the constructions on CRZ/ disaster angles in Edavanakkad Gramapanchayath.

2. Methodology

The committee visited the construction of buildings made in Edavanakkad Gramapanchayath on 16th August 2013 along with officials of Edavanakkad Gramapanchayath. The committee members had a detailed discussion with officials of the Gramapanchayath. Mr. Hari, Librarian of the Panchayath accompanied the Committee for field verification of constructions. The report prepared by CESS on construction of buildings in Edavanakkad Gramapanchayath was verified in the field. All the 22 constructions referred by the Edavanakkad Gramapanchayath are located or proposed to be located in the CRZ (Table 1). Among the constructions five are along the sea coast and the remaining 17 are on the banks of backwater /kayal. The dwelling units are proposed to be constructed under various Govt sponsored programmes including EMS housing scheme. The report prepared by Dr. K.V. Thomas, Scientist from CESS is used for detailed verification of constructions in the Edavanakkad Gramapanchayath. The 54th KCZMA considered the above site inspection report prepared by Dr. K. V. Thomas and constituted the present committee to verify the constructions on CRZ as well as disaster angle.

3. Location

Edavanakkad Gramapanchayath is a part of Vyppin island and is located between Lakshadweep sea and Vembanad kayal in Ernakulam district. Canal such as Aniyil thodu, Pazhayangadi thodu, Chthangad thodu and the backwater kayal divide the panchayath into many islands. The area has number of filtration ponds. All the 22 buildings are located close to the sea, kayal or the filtration ponds.

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4. CRZ Status

As per the 2011 notification the backwater islands have a CRZ of 50 m on the landward side of HTL. The 50m CRZ is a No Development Zone in CRZ III. The water body consists of filtration ponds and backwater and the bed are CRZ IV. Along the sea coast CRZ is 500m landward HTL of the sea. The 18 constructions are in the backwater islands lying within 50m of CRZ fall in the no development zone in CRZ III. The 4 constructions are lie within 200m No Development Zone of sea in CRZ III (Photos 1 and 2). Two of the constructions are not for dwelling purposes in which one is a proposed workshop and another one is renovation of an ayurvedic medicine store. The details of constructions and distance from HTL are given in Table 1.

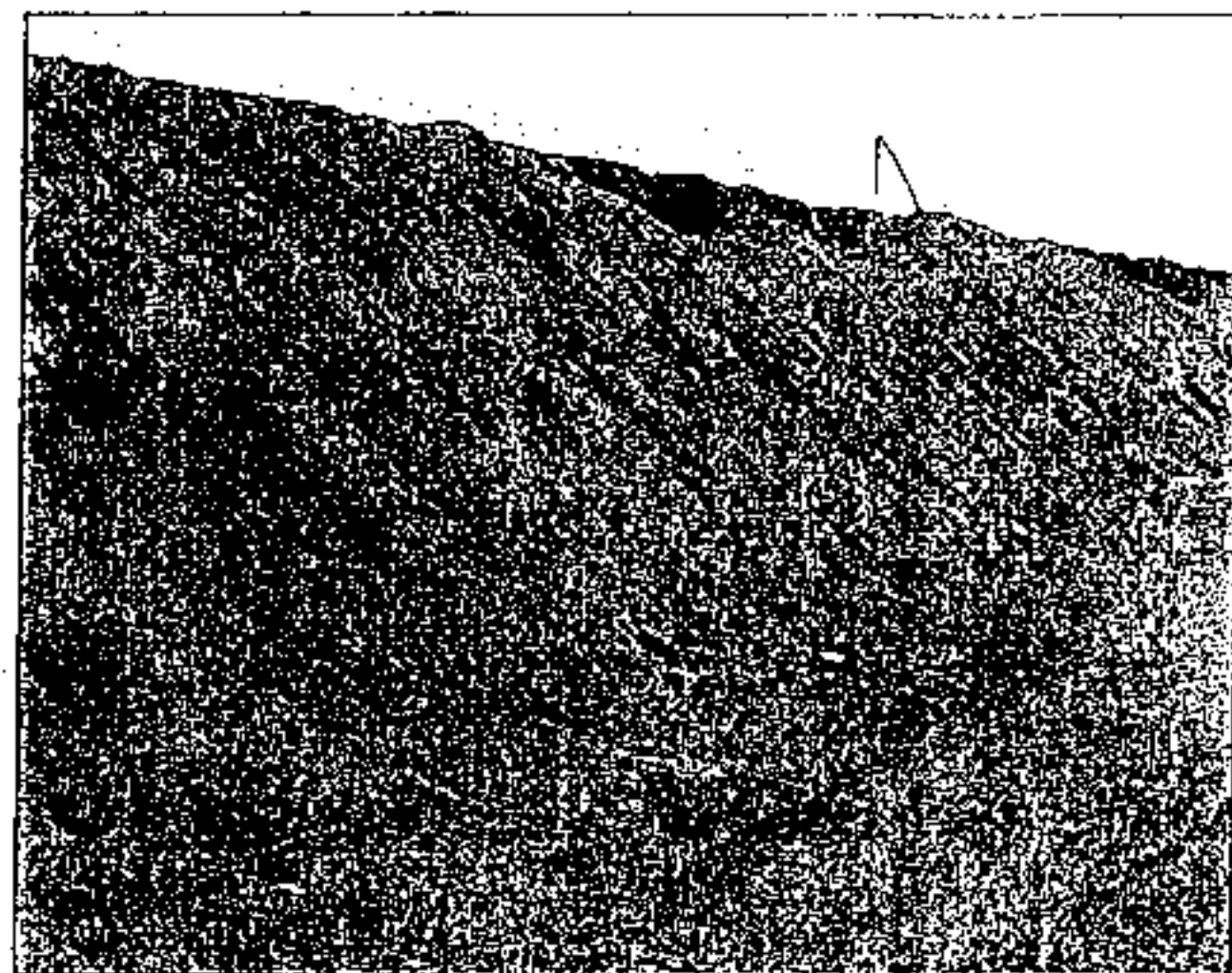


Photo 1 and 2: The buildings within the no development of sea and are vulnerable to hazards from the sea

Table 1: Details of construction under reference

Sl No	Building				Distance (m)	
	New		Renovation		Sea Coast	Kayal Filtration Pond
	House	Others	House	Others		
1						18.00
2						12.00

3						1.30
4						2.50
5						14.00
6	Edwin (Ownership changed)	Two floor completed		50.00		
7		Workshop				17.39
8			✓		125.00	
9			✓		175.00	
10	✓					5.00
11	✓				70.00	
12	✓					18.50
13	✓					17.00
14			✓			30.00
15			✓			16.00
16				Ayurveda store	18.95	
17	✓ (Construction completed regularisation awaited)					12.00
18	✓					20.00
19	✓					6.00

20	✓						12.00
21	✓						5.0
22	✓						8.10

Dwelling Units: The CRZ constructions made/proposed (except 2) are for dwelling purpose. Out of these 5 numbers (Serial NO 6, 8,9, 10 14 and 15 in Table 1) are renovations and the remaining are new constructions. Renovations/ repairs of dwelling units are permissible in CRZ.

In the report prepared by CESS it was reported that Edavanakkad Gramapanchayth has extensive areas covered under filtration ponds and canals. The land area in the panchayath mostly lies on the banks of backwater which are No Development Zone of CRZ III or on the banks of filtration ponds which are categorised as CRZ I in the CZMP (1996) of the state. It may be noted that the community in the panchaytah finds it very difficult to construct dwelling units and other infrastructural facilities. As such more than 90 % of the Panchayath is in the NDZ of CRZIII or on the banks of pokkali field which is in CRZ I. Majority of people depend on the fisheries and may be included under the category of "ecosystem people" as they depend on resources of kayals and backwater for their living.

5. Recommendations

On verification of the 22 constructions made/proposed in the Edavanakkad Gramapanchayath the committee recommended the following for necessary consideration of KCZMA.

(a) As recommended by CESS, five numbers of constructions (Serial No 6, 8, 9, 14 and 15 in Table 1) are renovation of dwelling unit in the No Development Zone of CRZ and which are permissible. However, the buildings No 6, 8 and 9 lie within 200m from HTL of sea (No Developing Zone) and are vulnerable for hazards from sea. Hence the committee recommend the above construction for approval except the building^s under serial No.6, 8 and 9.

(b) Two numbers of constructions (Serial No 7 and 16 in Table 1) are not dwelling units and are made/proposed for other purposes and hence ^{are} not permissible.

Besides building No 16 lie within zoom of HTL of sea and vulnerable for hazards from sea. Hence the above two buildings are not recommended for approval.

- (b) Remaining 14 are new constructions for dwelling purposes under various Govt sponsored programmes including EMS housing schemes. Further the committee is of the opinion that the owners of the above buildings may be considered as 'ecosystem people' as they depend on backwater and filtration ponds for their living. Further, their constructions are dwelling units having an area of less than 60 sq. m as permitted by KCZMA in certain earlier instances where building constructions are not permissible as per CRZ notifications. Hence the committee

recommend the above constructions for approval. *The building No. 11 is not recommended for approval as it lies within 200m from sea and vulnerable for hazards from sea.*

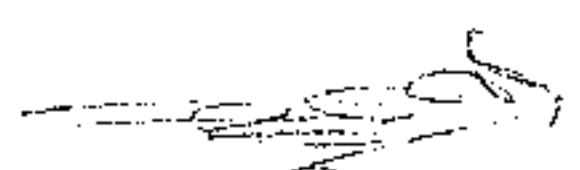
The committee classified the 22 constructions as per details given in Table 2.

Sl No	Constructions	Remarks
(a)	Constructions which are permissible as per CRZ notification	Serial No 6, 8, 9, 14 and 15 in Table 1. The Committee is not recommending the construction with serial no 6, 8, 9 in table 1 as these are vulnerable for hazards from sea and lie within No developing zone. This area was a Tsunami affected area.
(b)	Constructions made/proposed for non-dwelling purpose	Serial No 7 and 16 in Table 1 are not permissible.
(c)	14 constructions made/proposed for dwelling purpose	Serial No 1, 2, 3, 4, 5, 10, 11, 12, 13, 17, 18, 19, 20, 21, and 22 in Table 1 are not permissible as per CRZ notifications while as they belong to "ecosystem"

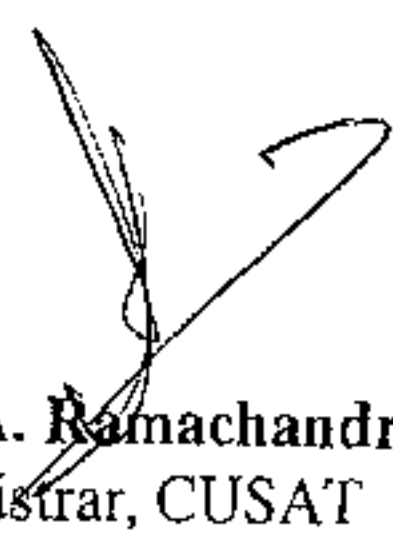
(d)	Dwelling House in MIDZ of sea	recommended the above construction for approval by following the precedences. Building no. 11 lies in MIDZ
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of CRZ-II is vulnerable for hazards from sea and in permissible

Submitting the report for kind consideration of KCZMA.



Dr. Kamalakshan Kokkal
 Joint Director and Head, CED
 KSCSTE



Dr. A. Ramachandran
 Registrar, CUSAT

**Construction of Commercial Building by Smt.Veena.V.Shenoy,
Karuvachery, Nileswar.P.O, Kasargod**

- Name of Applicant** : Smt. Veena.V.Shenoy, W/o. Vidhyadhar Shenoy, Karuvachery, Nileswar.P.O, Kasargod.
- Project Details** : Construction of a Commercial building with plinth area of 232.43m², FAR 0.23, Single storied.
- Activities proposed** : Construction of building, Drilling of a Bore well, Rain Water harvesting tank and Septic tank.
- Location Details** : Re. Sy. No. 659/1B of Kanhangad Village, Extent 25 cents, 26.5m from HTL of river.
- CRZ of the area** : The area being in Kanhangad Municipality, it is categorized as CRZ-II.
- Project cost** : Rs.42,00,000/-
- Provisions of CRZ Notification.** : As per CRZ Notification 2011, Clause 8 II (i) & (ii) construction of building can be permitted landward of existing authorized structures, subject to condition that existing FAR/FSI as on 19.02.1991 shall only be allowed. Drawl of ground water from CRZ using mechanical means is prohibited.
- Comments** : The FAR is less than existing as on 1991. The construction is landward of an imaginary line drawn from adjacent building No. 617/XXVII. Copy of the Site inspection report **enclosed**.

Hence placed in the KCZMA meeting for a decision.

Report on CRZ Site visit in Padanakkad in Kanhangad

1. Introduction:-

KCZMA has constituted a committee consisting of Dr. A. Ramachandran, Member, KCZMA & Registrar, CUSAT and Dr. Kamalakshan Kokkal, Joint Director, KSCSTE for conducting a site visit for a commercial building in Kanhangad Municipality area by Smt. Veena. V. Shenoy vide Ir. No. 895/A2/12/KCZMA/S&TD, dtd 23.05.2013.

2. Methodology:-

The Committee conducted the field visit during 19th & 20th July 2013 at Padanakkad in Kanhangad. Discussed the details with neighbours as well as project proponent.

3. CRZ Status:-

The proposed site lies in Padanakkad area on the bank of Baigotte river which enters into the Nileshwaram river. It lies in CRZ II category. There is a building on road existing between the proposed building and river. Existing buildings are lying in the adjacent plot on southern side of the proposed site while the plot on the northern side no such buildings are existing. In the site map submitted by the project proponent, building number XXVII-622 existing on the southern side and XXVII-616 on the northern side. If these buildings are on the adjacent plots as on 1991 and the buildings are authorised constructions can be permitted on the landward side of the imaginary line connecting the above buildings. The authorisation of the existing buildings on the adjacent plots as on 1991 may be done by the Municipality from their records.

4. Recommendations:-

The proposed site falls in CRZ-II category. As per the provisions of CRZ notification and the clarifications furnished by MoEF, the proposed construction is permissible if it lies landward of the imaginary lines connecting the authorised buildings in the adjacent plots of the proposed buildings. Hence subject to the above conditions permission may be issued to the Kanhangad Municipality after placing it in the KCZMA meeting.



Dr. Kamalakshan Kokkal
Joint Director & Scientist F,
KSCSTE



Dr. A. Ramachandran
Member, KCZMA

11

Agenda Item No. 60.6.11

File No. 1303/A2/2012/KCZMA/S&TD

Construction of two Sewage Pump House at Fort Kochi Village, Ernakulam

- Name of Applicant** : The Secretary, Corporation of Cochin.
- Project Details** : Kochi Sewerage Scheme – Construction of Sewage Pump House No.7 and No.8.
Pump House 7 : Capacity – 14.1 MLD – Pandinjare Veli.
Pump House No.8 : Capacity – 4.7 MLD – Fort Kochi.
- Activities Proposed** : Construction of Pump House.
- Location Details** : Pump House 7 : Survey No. 892/1A of Fort Kochi Village.
Area : 475m².
Pump House 8 : Survey No. 397/2 of Fort Kochi Village.
Area : 425m².
- CRZ of the area** : The proposed pumping house at Padinjare Veli is in CRZ II and proposed pumping house at Fort Kochi is outside the CRZ as per the CRZ status report prepared by CESS.
- Project cost** : Not provided.
- Provisions of CRZ Notifications.** : The Pump House as part of Sewage Treatment Plant can be permitted in CRZ-II, CRZ-III and CRZ-I (ii) areas. It is not permissible in CRZ-I (i).

Hence the matter is placed before the KCZMA meeting for a decision.

Agenda Item No. 60.6.12

File No. 2402/A3/2011/KCZMA/S&TD

Complaint against the construction of Hotel Raviz in Thrikkadavoor Grama Panchayath, Kollam by Sri.K.C.Esthappan, Palakkad

Sri.K.C.Esthappan, Palakkad furnished a complaint against the construction of Hotel Raviz in Thrikkadavoor Grama Panchayath, Kollam as the construction is on the CRZ and the construction is made without obtaining any sanction. The Secretary, Thrikkadavoor Grama Panchayath reported that the area where the Hotel building is situated is included in the Kollam Development Master Plan and that permission was given as the area comes under CRZ-II **(copy attached)**. The Raviz has put in a representation **(copy enclosed)** requesting necessary changes to CZMP to include the area notified vide GO(MS) No. 219/86/LAD dated, 3rd November 1986 in CRZ-II, pointing it out that it was a serious error and omission on the part of CESS. CESS reported that the CRZ in Thrikkadavoor Grama Panchayath along the banks of Ashtamudi estuary has been categorized as CRZ-III or CRZ-I in the Coastal Zone Management Plan (CZMP) of Kerala **(copy attached)**. The Environment Group also agreed to the report of CESS and reported that the area is in the No Development Zone of CRZ-III.

Hence the matter is placed before the KCZMA for a decision on the action against the violation and reply to be given to the Raviz.

#3

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Thrikkadavoor Gramapanchayat (Special Grade)

Anchalummood, Perinad P.O. - 691 601

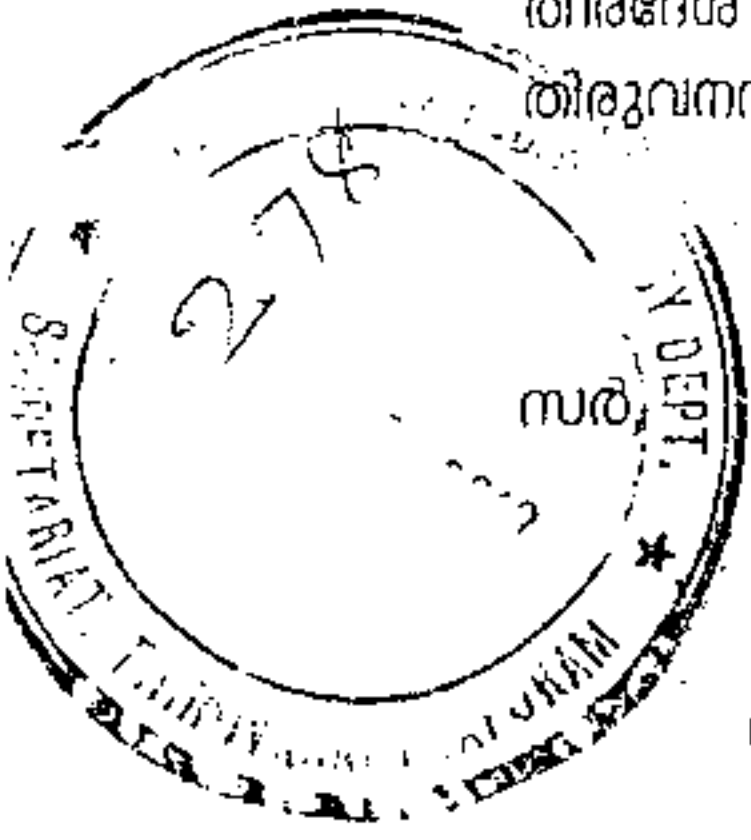
Ph: 0474-2702677, 270 0553, Fax: 0474 - 2702677
E-mail: thrikkadavoorgp@yahoo.in

Date: 10/02/2012

No. **A5-861/12**

From **സെക്രട്ടറി**
തൃക്കടവൂർ ഗ്രാമപഞ്ചായത്ത്

To **ചെയർമാൻ**
തീരദേശ പരിപാലന അതോറിറ്റി
തിരുവനന്തപുരം



വിഷയം : **തൃക്കടവൂർ ഗ്രാമപഞ്ചായത്ത് - റാവീസ് ഹോട്ടൽ നിർമ്മാണം - അനുമതി സംബന്ധിച്ച്**

സൂചന : **അങ്ങയുടെ 11/O1/2012 - ലെ 2402/A3/11/KOZMA/S-TD നമ്പർ കത്ത്.**

റാവീസ് ഹോട്ടൽ സ്ഥിതിചെയ്യുന്നത് തൃക്കടവൂർ ഗ്രാമപഞ്ചായത്തിൽ കോട്ടയത്ത് കടവ് വാർഡിലാണ്. 1994 -ൽ നിർമ്മാണം ആരംഭിച്ച കെട്ടിടമാണ്. രണ്ട് കെട്ടിടമാണ് അവിടെ നിർമ്മിച്ചിട്ടുള്ളത്. 1991 -ൽ തീരദേശ പരിപാലന നിയമം വരുന്നതിന് മുൻപ് തന്നെ കേരള സർക്കാർ പഞ്ചായത്തിലെ കുറെ സർവ്വേ നമ്പരുകളിൽ വരുന്ന പ്രദേശങ്ങൾ കൊല്ലം വികസന മാസ്റ്റർ പ്ലാനിൽ ഉൾപ്പെടുത്തിയിട്ടുള്ളതാണ്. ആ സർവ്വേ നമ്പരിൽപ്പെട്ട സ്ഥലത്താണ് കെട്ടിടം നിർമ്മിച്ചിട്ടുള്ളത്. കൊല്ലം വികസന മാസ്റ്റർ പ്ലാനിൽ ഉൾപ്പെടുത്തിയിട്ടുള്ള പ്രദേശം CRZ-II -ൽ വരുന്നതിനാലാണ് അനുവാദം നൽകിയത്. തീരദേശ പരിപാലന നിയമത്തിൽ ഇളവ് വരുത്തി പുറപ്പെടുവിച്ച ഉത്തരവല്ലിത്. ടി ഉത്തരവ് കോടതി വിധി പ്രകാരം റദ്ദാക്കിയിട്ടില്ലാത്തതുമാണ്, 1986 -ലെ ഉത്തരവിന്റെ വെളിച്ചത്തിൽ മാത്രമാണ് അനുവാദം നൽകിയത് എന്ന വിവരം ബോധിപ്പിക്കുന്നു. ഉത്തരവിന്റെ പകർപ്പ് അനന്തര നടപടികൾക്കായി ഇതോടൊപ്പം സമർപ്പിക്കുന്നു.

Handwritten signature and date: 15-2-12



വിശ്വസ്തതയോടെ,

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സെക്രട്ടറി
തൃക്കടവൂർ ഗ്രാമപഞ്ചായത്ത്



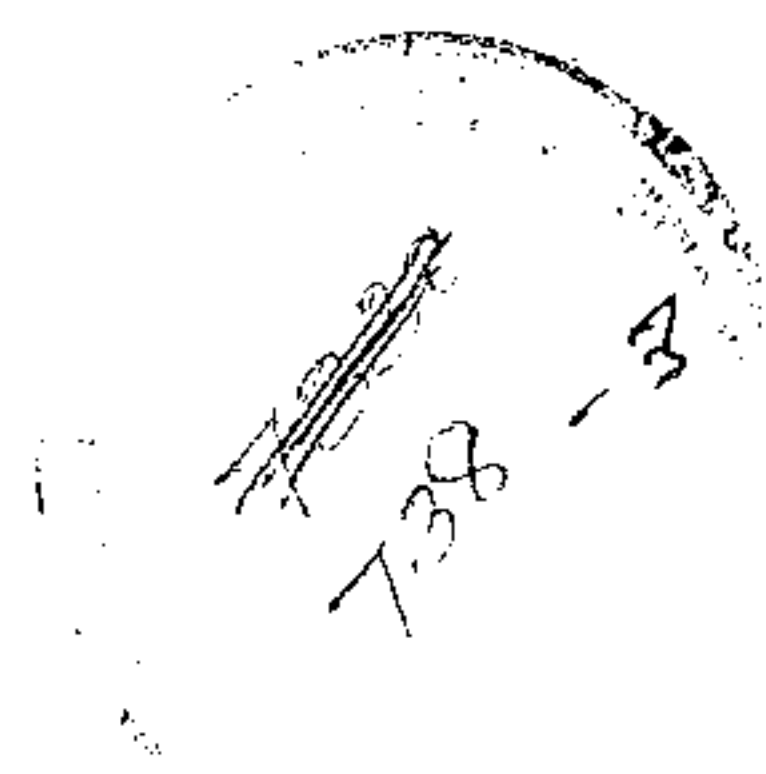
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27/09/2014

To,

The Chairman

KCZMA

Sir,

The Kollam the Royal Park Hotels And Resorts (Pvt. Ltd.) in 1999 decided to acquire a property in Thrikadvoor village , Thrikadavoor panchayat, to construct a hotel project, - the details of survey number is attached as a table in Annexure -1

Before we started the planning of a hotel project in the above said property we made enquiries with the centre for Earth Science Studies, engaged to prepare the coastal zone management map of Kerala. We were informed that all the land belonging to the municipal and corporation area of Kerala are classified and demarcated as CRZ II and the panchayat areas were classified as CRZ III.

except CRZ I

However, in the coastal zone management plan of Kerala, CESS has wrongly shown the boundary of Kollam town.

As per the development plan For Quilon, prepared by the department of town and country planning, Kerala state , published by Quilon development authority in 1983, sanctioned by Local Administration(G) department vide G.O. (MS) NO.219/86/LAD.DATED, TRIVANDRUM,3rd November 1986 notified the Boundary Survey numbers included in the development plan(master plan) for Quilon town. In this notification, the survey numbers attached in the Annexure 1 is included as a part of Quilon town. The boundary of Quilon town shown in the development plan of Quilon town was the official boundary of the municipal town of Quilon when the Coastal Zone Management plan of Kerala was prepared. We were advised that project site being an urban area already notified as a part of Kollam town, comes under CRZ II

We have implemented the project respecting the CRZ to norms. This property had a fish-processing factory, its office, fish peeling sheds, a boat building yard, workshops and a diesel-dispensing pump on the lake side, and an old rod between the lake and the structure. We have adopted the vernacular architectural style, using local building materials, and we have taken enormous effort to restore the coastal eco-system by planting the local plants, and creating hide outs for conserving the bio-diversity of this coastal area.

per records
in formation
Thrikadavoor
Thrikadavoor
gramapanchayat
since a
area
CRZ (1991)
notification
CRZ II is
defined as
"the areas that have
already been developed
upto or close to the shoreline
For this purpose, developed area is
no circumstances, Thrikadavoor
must qualify for CRZ II
namely the above criteria
cannot have a satisfactory
say for Thrikadavoor
panchayat.

new CRZ notification
Thrikadavoor Panchayat
is to be
formed as CRZ III

19/11/19

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It was a serious error and omission on the part of Centre for Earth Science Studies, to include the already notified coastal area of the municipal town of Quilon town(notified vide G.O.(MS) NO 219/86/LAD. Dated Trivandrum, 3rd November 1986) as CRZ III instead of notifying as CRZ II while preparing the coastal zone management plan .

In light of the above explanation, we request you to kindly make necessary changes in the CZMP of Kerala and allow us to continue our operation without any further adversity

For KOLLAM ROYAL PARK HOTEL & RESORTS PVT LTD.



JAYACHANDRAN.C.R
Vice President / Authorised Signatories

Sincerely yours

Manager RAVIZ

✓ CC: member secretary, KCZMA

