

**KERALA COASTAL ZONE MANAGEMENT
AUTHORITY**

38th MEETING

Agenda & Notes

Venue : Sasthra Bhavan,
Pattom,
Thiruvananthapuram.

Date & Time: 2.30 PM on 31st August, 2010.

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

**KERALA COASTAL ZONE MANAGEMENT
AUTHORITY**

38th MEETING

Date & Time

**31st August, 2010
2.30PM**

Venue

**Sasthra Bhavan,
Pattom, Tvpm.**

Agenda Items

- 38.1 : Confirmation of the Minutes of 37th Meeting**
- 38.2 : Action taken report on the decision of 37th Meeting.**
- 38.3 : Consideration of New Agenda Item.**
- 38.3.1 : Construction of houses under EMS Housing Scheme in Panayam Grama Panchayat, Kollam - Reg**
- 38.3.2 : alleged CRZ violation in Vizhinjam Grama Panchayat - Construction of Hotel - M/s.Karikkathikuzhy Beach Resort, Thottam, Mulloor -reg.**
- 38.3.3 : Judgment dated 4.6.2010 in WP©NO.19970/2008 filed by Dr.V.S.Gopalan -reg.**

Agenda Item No.38.1

Minutes of the 37th meeting

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

Agenda Item No.38.2

Action Taken Report(37th KCZMA)

Agenda Item No	File No	Subject	Action taken
37.3.1	2144/A2/09/S&TD	Construction of Apartments and Villas in Chirakkal and Pallikkunnu Grama Panchayat - Kannur District - Application of Sri.K.Arun Kumar, MIR Builders and Developers Pvt. Ltd. -reg.	KCZMA rejected the proposal. Decision communicated to Panchayat and applicant.
37.3.2	139/A2/10/S&TD	Construction of 1 st Floor -- Request for Coastal Regulation Zone clearance - reg.	Applicant was requested to submit the building plan and building estimate since the same has not been furnished along with the request.
37.3.3	302/A2/10/S&TD	Construction of Resort at Mararikulam - Ms/.Carnousite Resorts Pvt. Ltd.	Project proponent was directed to remit the scrutiny fee.
37.3.4	902/A2/09/S&TD	Nayarambalam Grama Panchayat - Construction of houses under EMS Housing Scheme -reg.	Decision communicated to the Panchayat- Subcommittee also constituted.

37.3.5	905/A2/09/S&TD.	Construction of resort in Sy.No.296 in Edava Village by M/s.ABL Resorts Pvt. Ltd.-reg.	CRZ clearance granted. Decision communicated to Panchayat.
37.3.6	941/A2/10/S&TD	Reconstruction of Commercial Building in Madayi Grama Panchayat -reg.	Applicant was requested to submit building estimate.
37.3.7	965/A2/10/S&TD	Kochi-Kayamkulam Sub Sea Pipe Line - GAIL(India) Ltd.	Project Proponent was directed to furnish CRZ status report.
37.3.8.	1081/A2/10/S&TD	Chennam Pallippuram Grama Panchayat - Request for exempting the area from CRZ.	Request rejected. Decision communicated to the Panchayat.
37.3.9	1082/A2/10/S&TD	Palluruthy Block Panchayat - Request for exemption from CRZ status-reg.	Request rejected. Decision communicated to the Panchayat.
37.3.10	1115/A2/10/S&TD	Setting up of a retail outlet at Feroke - Bharat petroleum Corporation Ltd. -reg.	Clarification was sought for from MoEF.
37.3.11	1256/A2/10/S&TD		Subcommittee constituted. Hearing conducted by Chairman, KCZMA in compliance to the judgment in WPCNo.19970/08 filed by Dr.V.S.Gopalan. Standing Counsel, KCZMA was directed to furnish a detailed report on the status of the various court cases.

Check by
Ramesh

Additional Agenda item No.1

File No.1671/A2/09/S&TD

**Implementation of CRZ Notification 1991 - Strengthening -
Issuance of guidelines to LSG Institutions -reg.**

Kamburam Dharma Paripalana Araya Samajam submitted representation before KCZMA alleging that a large number of unauthorized constructions are being under taken in Kamburam Beach in Kozhikode Corporation. A Writ Petition has also been filed by them in this regard, which is pending before the Court. A report has been called for from the Secretary, Kozhikode Corporation and it is reported that, building permits issued by them are legal. They have not violated any of the provisions of CRZ Notification 1991.

In CRZ II Category, construction of buildings are permissible landward of the approved road or authorized buildings. LSG Institutions may be directed to follow the CRZ norms strictly.

Point for decision

KCZMA may note the case.

② Review the Appellate
forms for CRZ clearance
② Date LSSO/CTP/G
Arrange a meeting for
preparing guidelines for
③ and map in local scale
and demonstrating HTC/LTL.
next meeting
4th September 2009

Agenda Item No.38.3.1

File No.901/A2/10/S&TD

Construction of houses under EMS Housing Scheme in Panayam
Grama Panchayat, Kollam -reg.

Secretary, Panayam Grama Panchayat has forwarded the proposal for the construction of 3 houses under EMS Housing Scheme within 100m from the banks of backwaters. The request from Smt.Sarada, Thannikkal Kayalvaram, Kandachira, Perinad and Smt.Pushpavally, Pallikkal Veedu, Kandachira, Perinad are for reconstruction of existing houses. But Smt.Pushpavally has submitted another application earlier, and the same is being dealt within file No.159/A2/10/S&TD and it is seen that the plans submitted with the two requests are not the same. Hence the Panchayat authorities was directed to clarify the point. Reply to the same is not received. Smt.Sarada has requested for the reconstruction of the existing house in the area. Request from Smt.Bindu, Kidangil Padinjattathil, Kandachira, Perinad is for the construction of a new house at 90m from the banks of backwater. The width of the backwater in the area is reported as 296.7m. The plinth area of the proposed constructions are 40sq.m.

Request for reconstruction of house for Smt.Sarada may be permitted and request of Smt.Pushpavally maybe considered after getting clarifications from the Panchayat. As per the provisions of CRZ Notification 1991, new constructions are not permissible in this area. Hence KCZMA may decide whether the request of Smt.Bindu for the construction of new house may be considered.

*Permitted as a
Spl. Case since
time bound
Smt. Sarada
request for
reconstruction
of existing
house in the
area. Smt.
Pushpavally
request for
reconstruction
of existing
house in the
area. Smt.
Bindu request
for construction
of new house
in the area.
KCZMA may
decide whether
the request of
Smt. Bindu for
the construction
of new house
may be considered.*

Agenda Item No.38.3.2

File No.1301/A2/10/S&TD

**Alleged CRZ violation in Vizhinjam Grama Panchayat -
Construction of Hotel - M/s.Karikkathikuzhy Beach Resort,
Thottam, Mulloor.-reg.**

A complaint has been received in KCZMA on the alleged illegal constructions being carried out at Mulloor, Vizhinjam by M/s. Karikkathikuzhy Beach Resort. It is informed that large scale constructions are being done in the CRZ III area, starting at 20m from the sea. Public access to the beach is also blocked by constructing buildings. Sand mining is also done in the beach. Hence it is requested to stop all the construction activities and to demolish the unauthorized constructions.

Point for decision

KCZMA may note the case and authorize a team of officers to visit the site and to take appropriate action.

*within 15 days -
Action report from
Panchayat with
copy to L.S.O.
Also inform Panchayat
to stop the construction as
it is in violation of CRZ Rules.*

Agenda Item No.38.3.3**File No.1161/A2/10/S&TD****Judgment dated 4.6.2010 in WP(C)No.19970/2008 filed by
Dr.V.S.Gopalan-reg.**

The Hon'ble High Court in the judgment dated 4.6.2010 in WP(C)No.19970/08 filed by Dr.V.S.Gopalan, has quashed the Ext.P5 order issued by KCZMA in WP(C)No.2323/08 filed by the petitioner, earlier. In the judgment, the 2nd respondent, KCZMA was directed to reconsider the matter and to take appropriate decision thereon expeditiously. It is also directed to afford the petitioner and local authority a reasonable opportunity to put forward their case and to maintain statusquo.

Earlier, the authority examined the matter in detail and found that construction of Ayurvedic Hospital, in the No Development Zone of CRZ III, is not a permissible activity as per the provisions of CRZ Notification 1991. G.O.(Rt)No.48/08/S&TD dated 10.6.2008 was issued accordingly.

The Chairman, KCZMA conducted a hearing on 16.8.2010 as per the direction of the Hon'ble High Court. Power of Attorney of Dr.V.S.Gopalan, Counsel and Junior Superintendent of Valappad Grama Panchayat were present for the hearing.

The main contentions raised by the counsel for the petitioner are

- i) The question of CRZ violation can be determined only after fixing High Tide Line in the area. For that local level CRZ maps have to be prepared. Some sort of Physical Signatures have to be put up in the area identifying the High Tide Line.
- ii) The project can be treated as dispensary instead of a hospital, which is a permissible activity. The word 'hospital' in the original application is a misnomer.

J.S., Valappad Grama panchayat stated that provisional number has been issued as per the direction of Hon'ble High Court dated 29.1.2008.

Counsel for the petitioner finally argued that construction of Ayurvedic dispensary may be allowed without violating the provisions of CRZ Notification 1991, with a view to promote alternative medicine, in public interest.

The building already constructed in the No Development Zone is a double storied one having a plinth area of 6824 sq.ft., consists of 24 rooms. Hence it seems that the building is not intended for a dispensary.

CZMP of the state was published by S&T Dept. in the year 1995 and direction issued to all local bodies of demarcate High Tide Line in their area vide G.O.(RT)No.192/99/STED dated 11.6.1999.

From the records available it is clear that, the building was constructed in the No Development Zone of CRZ III area, even without approaching the Authority for permission.

Point for decision

Whether the Authority may reconsider the earlier decision issued vide G.O.(Rt)No.48/08/S&TD dated 10.6.2008 in the light of the points raised by the applicant during the hearing on 16.8.2010 and decision may be communicated as proceedings of the Chairman, KCZMA.

*Under the provisions
Rejected. Issue
order as per proceedings
of Chairman, KCZMA.*

Annex. I.

GOVERNMENT OF KERALA
SCIENCE AND TECHNOLOGY DEPARTMENT

Minutes of the 37th meeting of Kerala Coastal Zone Management Authority.

Date & Time : 23rd July, 2010 2.30PM

Venue : Sasthra Bhavan, Pattom, Thiruvananthapuram.

List of members present is given as Annexure I

The meeting commenced at 2.30PM. The Chairman welcomed all the members to the meeting of the Authority. Thereafter, the authority considered the items in the Agenda for discussion.

Agenda Item No.1

Confirmation of the Minutes of the 35th and 36th meeting of KCZMA.

The authority confirmed the minutes of the 35th and 36th meeting of KCZMA.

Agenda Item No.2

Action Taken Report

The Authority noted the action taken on the decision of 35th & 36th meeting of KCZMA.

Agenda item No.3

New proposals for consideration.

Sd/-
Dr.R.Ajayakumar Varma,
Member Secretary.

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA

Agenda Item No.37.3.1

File No.2144/A2/09/S&TD

Construction of Apartments and Villas in Chirakkal and Pallikkunnu Grama Panchayat -
Kannur District - Application of Sri.K.Arun Kumar, MIR Builders and Developers Pvt.
Ltd. -reg.

Secretary, Chirakkal Grama Panchayat has forwarded the proposal for the Construction of apartments and Villas in Re.Sy.No.178/4, 178/5 and 178/8 in Chirakkal and Pallikunnu Grama Panchayat area of Kannur District. Later the project proponent also informed that they are planning to construct tourists cottages.

KCZMA examined the proposal in detail and found that as per the revised proposal a portion of the apartment also falls between 200-500m from High Tide Line. Villas are not permissible between 200-500m. Hence the proposal is rejected on CRZ angle

Agenda Item No.37.3.2

File No.139/A2/10/S&TD

Construction of 1st Floor - Request for Coastal Regulation Zone clearance -reg.

Smt.Nalini Jayarajan, 'Sajna', Kannur has submitted a representation before the Hon'ble Chief Minister requesting to grant permission for the construction of an additional floor on the existing building in Kannur Municipal area. It is informed that they constructed a building in Ward No.37 of Kannur Municipality with building No.680. The purpose of the building was recorded as 'residence'.

They could not use the building for residential purpose, because of financial constraints and they have started a tea shop there. Later they requested permission for constructing first floor of the above building and submitted a building plan of 1500 sq feet to the municipality to modify this as a restaurant.

Sd/-
Dr.R.Ajayakumar Varma,
Member Secretary.

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA

The proposal was examined by the Kerala Coastal Zone Management Authority. The plan submitted by the applicant is different from the original plan approved by the Kannur Municipality. It is seen that after getting Coastal Regulation Zone clearance for construction of residential building, they changed the plan and use of the building. Hence the Secretary, Kannur Municipality was requested to verify whether the applicant had violated Coastal Regulation Zone norms.

KCZMA discussed the matter in detail. The Authority noted that permission for the building was issued as it lies landward of the imaginary extension from an authorized building lies adjacent to it. Hence the change of purpose of the building and additional constructions are permitted subject to following conditions.

- i) *Buildings shall be permitted only on the landward side of the existing road or on the landward side of existing authorized structures, subject to the existing local town and country planning regulations including the existing norms of FSI/FAR.*
- ii) *The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.*

Agenda Item No.37.3.3

File No.302/A2/10/S&TD

Construction of resort at Mararikulam – M/s.Carnoustie Resorts Pvt. Ltd.

M/s. Carnoustie Resorts Pvt. Ltd. submitted the building plan, site plan and other documents of the proposed resort project at Mararikulam in Sy.No. 11 to 19 of Mararikulam North Village, Alappuzha for CRZ clearance. The total plinth area of the proposed construction as reported is 4647.06sq.m., and height 9m. The site falls in CRZ III

As per the CRZ Map all constructions are coming within 200-500m of High Tide Line of sea.

KCZMA discussed the project proposal in detail and decided to recommend and forward the proposal to MoEF, subject to the following conditions:

- (i) *The construction shall be consistent with the surrounding landscape and local architectural style.*

Sd/-

Dr.R.Ajayakumar Varma,
Member Secretary.

Sd/-

Dr.C.T.S.NAIR,
Chairman, KCZMA

- (ii) *The overall height of construction up to the highest ridge of the roof, shall not exceed 9meters and the construction shall not be more than 2 floors (ground floor plus one upper floor)*
- (iii) *Ground water shall not be tapped within 200m of the High Tide Line; within the 200 metre 500 metre zone it can be tapped only with the concurrence of the Central/State Ground Water Board.*
- (iv) *Extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500 metres of the High Tide Line.*
-
- (v) *The quality of treated effluents, solid wastes, emissions and noise levels, etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environmental (Protection) Act, 1986.*
- (vi) *Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach;*
- (vii) *Approval of the State/Tourism Department shall be obtained, as required.*
- (viii) *No construction activity is permitted in the 'No Development Zone' i.e. 0 – 200m from High Tide Line of sea.*
- (ix) *Payment of Scrutiny fee.*
- (x) *The construction will be made as per approved plan by relevant authorities including Local Self Government Institutions and other agencies of the State/Central Govt.*
- (xi) *This approval is from the CRZ angle only. All other approvals needed as per rules will have to be obtained by the Project Proponent.*
- (xii) *The Project Proponent should provide necessary facilities and unhindered access for the officials of KCZMA for inspection of the project site and its premises at any time.*

Sd/-
Dr.R.Ajayakumar Varma,
Deputy Secretary to Govt.

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA

(xiii) *All other relevant provisions of CRZ Rules 1991 shall be observed strictly.*

Agenda Item No.37.3.4

File No.902/A2/10/S&TD

Nayarambalam Grama Panchayat – Construction of houses under EMS Housing

Scheme – reg.

President, Nayarambalam Grama Panchayat has forwarded the proposal for the construction of 130 houses in CRZ area under EMS Housing Scheme. Out of these 130 beneficiaries 87 belong to the fishermen community and the rest are SC people. Most of them are now residing in huts of plinth area below 25sq.m. As per the list submitted, 58 houses possess building number.

KCZMA discussed the case in detail and decided to grant permission for the reconstruction of house and to constitute a Subcommittee consisting of Dr.K.V.Thomas, Scientist, CESS and Member Secretary, KCZMA to examine the admissibility of new constructions and to place the case in the next meeting of KCZMA.

Agenda Item No.37.3.5

File No.905/A2/10/S&TD

Construction of resort in Sy.No.296 in Edava Village by M/s.ABL Resorts Pvt. Ltd.-reg.

Secretary, Edava Grama Panchayat has forwarded the proposal for the construction of a resort in Sy.No.296/9. 24 in Edava Village. The plinth area of the proposed building is reported as 255sq.m. and estimated cost Rs.43 lakh. The site is located on the banks of Edava Nadayara Backwater. The distance from the High Tide Line to the Southern boundary of the proposed plot is 134m.

Sd/-

Dr.R.Ajayakumar Varma,
Member Secretary.

Sd/-

Dr.C.T.S.NAIR,
Chairman, KCZMA

KCZMA discussed the case in detail and decided to grant CRZ clearance for the project subject to the conditions:

- a) Leave 100m landward from the High Tide Line of backwater as No Development Zone.
- b) The over all height of construction should not exceed 9m.
- c) All constructions should be in consistency with local architectural style and existing local town and country planning regulations.
- d) No effluents should be discharged into the backwater.
- e) All other clearances should be obtained.

Agenda Item No.37.3.6

File No.941/A2/10/S&TD

Reconstruction of Commercial Building in Madayi Grama Panchayat – reg.

Secretary, Madayi Grama Panchayat has forwarded the proposal for the reconstruction of a Commercial Building in Sy.No.113/5 of Madayi Village, in CRZ area. The proposal is for the reconstruction of an existing commercial building in the No Development Zone of CRZ III, with 2 additional floors.

KCZMA discussed the case in detail and decided that reconstruction of existing building can be allowed subject to the condition that the existing plinth area, existing FSI an existing density shall not be increased. Construction of additional floors are not permissible.

Agenda Item No.37.3.7

File No.965/A2/10/S&TD

Kochi – Kayamkulam Sub Sea Pipe line – GAIL (India) Ltd. – reg.

Deputy General Manager, GAIL (India) Ltd. has informed that NTPC plans to set up a 1050 MW gas based power plant at Kayamkulam for which about 4.8 MMSCMD gas is required. GAIL has to supply RLNG from PLL terminal for which an offshore 24" pipeline for a distance of 120KM at a depth of 20m has to be laid with land fall points at Kochi and Kayamkulam. The pipeline under sea shall be laid outside the existing channel of Port Trust and 550m away from the Fairway buoy.

Sd/-

DR.R.Ajayakumar Varma,
Member Secretary.

Sd/-

Dr.C.T.S.NAIR,
Chairman, KCZMA

KCZMA discussed the case in detail and decided to forward the proposal to MoEF after obtaining CRZ status report of the area.

Agenda Item No.37.3.8

File No.1081/A2/10/S&TD

Chennam Pallipparam Grama Panchayat -- Request for exempting the area from CRZ

The President, Chennam Pallipouram Grama Panchayat has requested to exempt the Panchayat area from the purview of CRZ Notification 1991.

KCZMA discussed the case in detail and arrived at the conclusion that the request is not feasible especially in the context of pre-draft revised CRZ Notification 2010 including Vembanad backwater as critically vulnerable area. It is also decided to intimate the Panchayat accordingly.

Agenda Item No.37.3.9

File No.1082/A2/10/S&TD

Palluruthy Block Panchayat -- Request for exemption from CRZ status --reg.

A copy of the representation submitted to Hon'ble Chief Minister by the Block Panchayat President, Palluruthy has been forwarded to KCZMA. It is informed that so many difficulties are being faced by the people residing in this area, in constructing dwelling units with the implementation of the provisions of CRZ Notification 1991. Hence he has requested to exempt this area from the purview of the proposed CRZ Notification 2010.

KCZMA discussed the case in detail and arrived at the conclusion that the request is not feasible especially in the context of pre-draft revised CRZ Notification 2010. It is also decided to intimate the Panchayat accordingly.

Sd/-
Dr.R.Ajayakumar Varma,
Member Secretary.

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA

Agenda Item No.37.3.10

File No.1115/A2/10/S&TD

Setting up of a retail outlet at Feroke - Bharat Petroleum Corporation Ltd.-reg.

Territory Manager BPCL, vide letter dated 4.6.2010 has requested to reconsider the earlier decision of KCZMA rejecting the request for the construction of petroleum retail outlet in Feroke Grama Panchayat.

The proposal was considered by KCZMA in its 34th meeting held on 20.3.2010, and the request was rejected on the ground that commercial activities are not permissible in CRZ. BPCL has requested to consider the matter again.

KCZMA decided to verify whether there is any precedents with respect to similar cases and obtain clarification from MoEF based on their letter No.19-98/09 IA-III dated 2.12.2009.

Agenda Item No.37.3.11

File No.1256/A2/10/S&TD

With reference to judgment in WP(C)19970/2008 filed by one Dr.Gopalan, the legal Counsel for KCZMA in a message dated 9.7.2010 has informed that the order issued by the Principal Secretary to Government, S&T Dept. under Article 166 of the constitution of India cannot be termed as an order of KCZMA and therefore directed that the issue be reconsidered by the Authority. He has further informed that in the case of WP(C)No.18087/2009 also a similar order has been passed by the Hon'ble High Court even though the order was passed by the Chairman.

KCZMA decided to constitute a Subcommittee consisting of Deputy Secretary, Science and Technology Department, Member Secretary, KCZMA, Dr.K.V.Thomas and Dr.Kamalakshan Kokkal for examining the matter in detail and suggest alternatives to the existing system including a separate Secretariat/Technical Cell for KCZMA.

Authority also authorized the Chairman to conduct hearing on court cases on behalf of KCZMA whenever necessary and to report to the Authority.

Sd/-
Dr.R.Ajayakumar Varma,
Member Secretary.

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA

It was also decided to review the promptness of the Standing Counsel of KCZMA on various court cases attended by him.

Agenda Item No.37.3.12

File No.1590/A2/09/S&TD

Agro Service Centre at Valapattanam – Request for regularization –reg.

ADC, Commissioner of Rural Development has requested the Principal Secretary, Local Self Government Department to issue building number to the Agro Service Centre building constructed in Valapattanam Grama Panchayat. Local Self Government Department has forwarded the same to KCZMA for consideration. Later the Secretary, Valapattanam Grama panchayat has forwarded the location map to the Authority for CRZ clearance.

From the site verification it is seen that the reconstruction of the building by the Kannur Bloek Panchayat was made within 100m from the High Tide Line of Valapattanam river. The width of the river is more than 100m in the area hence the CRZ will be 100m. The area is classified as No Development Zone of CRZ III.

As the panchayat reported that the building was in existence prior to 1991, KCZMA decided to permit the reconstruction subject to conditions that existing plinth area, existing density and existing FSI shall not be increased.

Agenda item No.37.3.13

File No.675/A2/2010/S&TD

WP(C)No.12623/10 filed by Sri.Ansari Kannoth against the functioning of Mangrove

Theme Park at Pappinissery –reg.

This file originated with a Writ Petition filed by Sri Ansari Kannoth against the functioning of Mangrove Theme Park at Pappinissery, Kannur. The matter has been discussed by KCZMA in its 35th meeting held on 3.6.2010 and decided to issue stop memo. Later expert

Sd/-
Dr.R.Ajayakumar Varma,
Member Secretary.

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA

Team from MoEF, visited the site and orders were issued to stop all the activities which were in violation to the provisions of CRZ Notification 1991. A copy of the order was communicated to District Collector, Kannur for taking immediate action. A Committee has been constituted by KCZMA to assess the damage and destruction caused to mangrove forests.

The Authority noted the developments. Dr.Kumalakshari Kokkal briefed the observations of the Committee constituted by the Chairman for assessing the ecological damage in the Mangrove Theme Park.

Agenda Item No.37.3.14

File No.211/A2/2010/S&TD

Mayyanadu Grama Panchayat – Construction activities carried out by Immaculate Conception Church, Pullichira – CRZ Status of the area –reg.

The construction activities carried out in the premises of Immaculate Conception Church Pullichira were stopped following an order issued from the Authority. Later the Church Authorities filed representations arguing that CRZ categorization of the area was not done properly, and hence the area doesn't fall under CRZ. The case was discussed by KCZMA in its 35th meeting and it was decided to refer the matter to CESS to prepare CRZ Status report of the area.

From the report of the CESS it is clear that one of the two buildings under question comes in the CRZ area and the other one lies outside CRZ.

Authority discussed the case in detail and found that in the status report prepared on Cadastral Scale, a bund was existing separating the canal from the rest of the water body. After detailed discussions, it was decided to grant permission for one of the building which lies outside CRZ area.

The meeting came to a close at 5.30PM

Sd/-
Dr.R.Ajayakumar Varma,
Member Secretary.

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA

Agenda Item No.37.3.10

File No.1115/A2/10/S&TD

Setting up of a retail outlet at Feroke – Bharat Petroleum Corporation Ltd.-reg.

Territory Manager, BPCL, vide letter dated 4.6.2010 has requested to reconsider the earlier decision of KCZMA rejecting the request for the construction of petroleum retail outlet in Feroke Grama Panchayat.

The proposal was considered by KCZMA in its 34th meeting held on 20.3.2010, and the request was rejected on the ground that commercial activities are not permissible in CRZ. BPCL has requested to consider the matter again.

KCZMA decided to verify whether there is any precedents with respect to similar cases and obtain clarification from MoEF based on their letter No.19-98/09 IA-III dated 2.12.2009.

Agenda Item No.37.3.11

File No.1256/A2/10/S&TD

With reference to judgment in WP(C)19970/2008 filed by one Dr.Gopalan, the legal Counsel for KCZMA in a message dated 9.7.2010 has informed that the order issued by the Principal Secretary to Government, S&T Dept. under Article 166 of the constitution of India cannot be termed as an order of KCZMA and therefore directed that the issue be reconsidered by the Authority. He has further informed that in the case of WP(C)No.18087/2009 also a similar order has been passed by the Hon'ble High Court even though the order was passed by the Chairman.

KCZMA decided to constitute a Subcommittee consisting of Deputy Secretary, Science and Technology Department, Member Secretary, KCZMA, Dr.K.V.Thomas and Dr.Kamalakshan Kokkal for examining the matter in detail and suggest alternatives to the existing system including a separate Secretariat/Technical Cell for KCZMA.

Authority also authorized the Chairman to conduct hearing on court cases on behalf of KCZMA whenever necessary and to report to the Authority.

Sd/-

Dr.R.Ajayakumar Varma,
Member Secretary.

Sd/-

Dr.C.T.S.NAIR,
Chairman, KCZMA

It was also decided to review the promptness of the Standing Counsel of KCZMA on various court cases attended by him.

Agenda Item No.37.3.12

File No.1590/A2/09/S&TD

Agro Service Centre at Valapattanam – Request for regularization –reg.

ADC, Commissionerate of Rural Development has requested the Principal Secretary, Local Self Government Department to issue building number to the Agro Service Centre building constructed in Valapattanam Grama Panchayat. Local Self Government Department has forwarded the same to KCZMA for consideration. Later the Secretary, Valapattanam Grama panchayat has forwarded the location map to the Authority for CRZ clearance.

From the site verification it is seen that the reconstruction of the building by the Kannur Blocah Panchayat was made within 100m from the High Tide Line of Valapattanam river. The width of the river is more than 100m in the area hence the CRZ will be 100m. The area is classified as No Development Zone of CRZ III.

As the panchayat reported that the building was in existence prior to 1991, KCZMA decided to permit the reconstruction subject to conditions that existing plinth area, existing density and existing FSI shall not be increased.

Agenda item No.37.3.13

File No.675/A2/2010/S&TD

WP(C)No.12623/10 filed by Sri.Ansari Kannooh against the functioning of Mangrove Theme Park at Pappinissery --reg.

This file originated with a Writ Petition filed by Sri Ansari Kannooh against the functioning of Mangrove Theme Park at Pappinissery, Kannur. The matter has been discussed by KCZMA in its 35th meeting held on 3.6.2010 and decided to issue stop memo. Later expert

Sd/-
Dr.R.Ajayakumar Varma,
Member Secretary.

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA