

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

54th MEETING

Agenda & Notes

Venue : Conference Hall, ^{4th} 2nd Floor, Sasthra Bhavan, Pattom,
Thiruvananthapuram.

Date : 2.30 P.M on ^{15. April} ~~14th March~~, 2013

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

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54th MEETING

Date & Time

Venue

14th MARCH, 2013
2.30 P.M

Sasthra Bhavan
Pattom, Thiruvananthapuram

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Agenda Item No.54.1

Confirmation of the Minutes of the 53rd meeting held on 27.12.2012.

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

Agenda Item No.54.2

Action Taken Report (53rd meeting held on 27.12.2012)

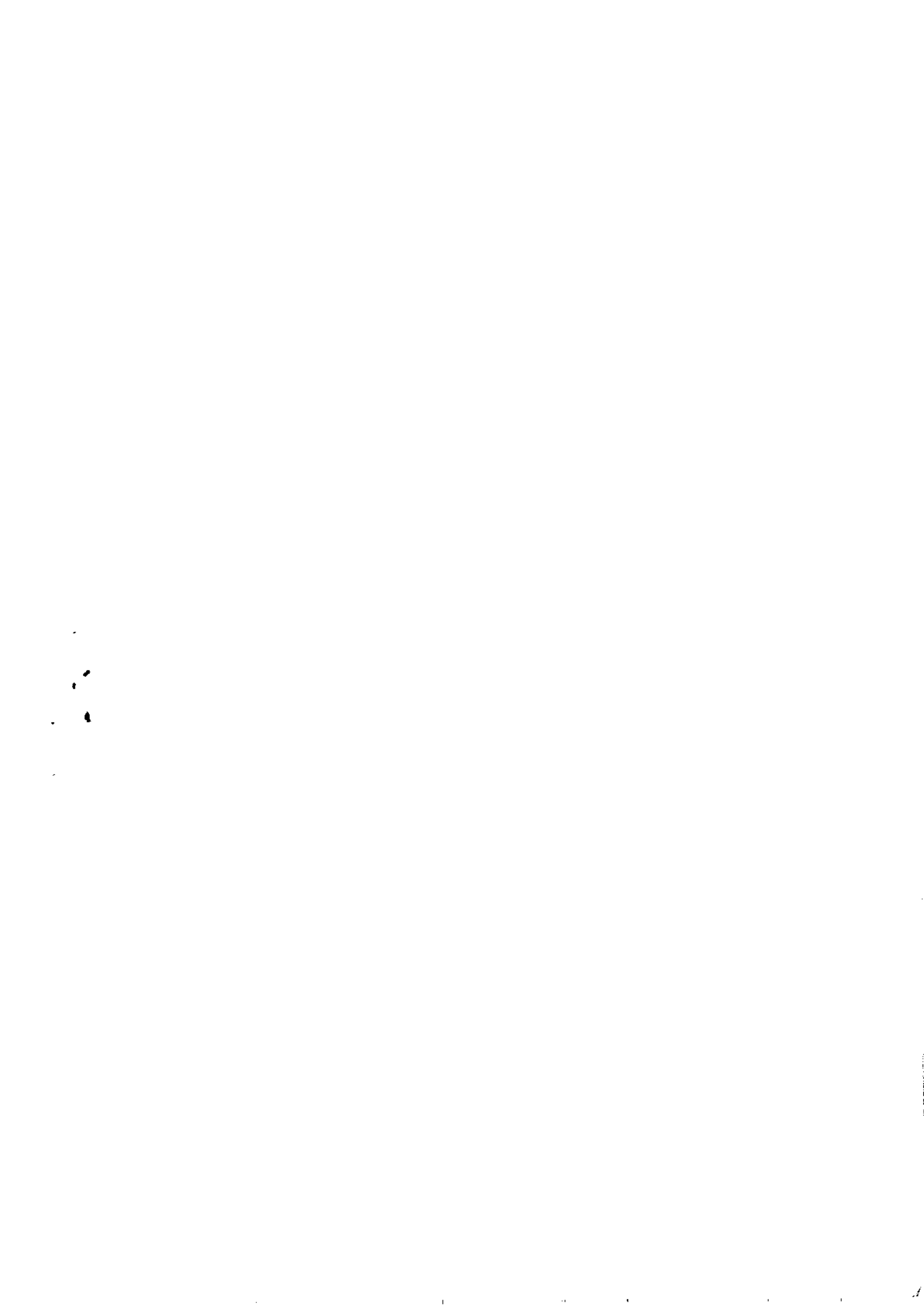
Agenda Item No.	File No.	Subject and Decision	Action Taken
53.3.1	1562/A2/ 2012/KCZMA /S&TD	Sub:- Complaint received from Pallimalakunnu Residents Association against illegal construction of side wall between Canoly Canal and	Decision communicated on 02.02.2013



		<p>Watershed at Kozhikode</p> <p>Decision:- The Authority discussed the report and decided to issue notice to the proponent with regard to the violation of CRZ norms by making construction in CRZ I area. As per the Site Inspection Report placed before the KCZMA, the Authority noted that the construction has been made without prior permission from the CZMA especially in the case of the Sarovaram project – a bio-park developed in the area. Explanation has to be called for from local body with regard to permit issued for the construction and assigning building number. Information shall be conveyed to the Secretary, DTPC; the Secretary, Tourism Department and the Secretary, LSGD.</p>	
53.3.2	1571/A2/ 2012/KCZMA /S&TD	<p>Sub:- Construction of Residential Building of Shri.V.N.Girishan in Thalassery Municipal Area</p> <p>Decision:- The KCZMA considered the proposals for the construction of a residential building and decided to grant CRZ clearance.</p>	Decision communicated on 28.01.2013
53.3.3	1573/A3/ 2011/KCZMA /S&TD	<p>Sub:- Construction of Madrassa Building in Poothakkulam Village, Kollam</p> <p>Decision:- The KCZMA discussed the case in detail and decided to grant clearance for the construction subject to the following conditions:—</p> <p>a) Dumping of waste if any generated shall not be done in the CRZ area.</p> <p>b) The overall height of the construction shall not be more than 9 m with two floors.</p> <p>c) Adequate measures are to be made to prevent children going to the banks of the Kayal.</p>	Decision communicated on 22.01.2013
53.3.4	1593/A3/12/ KCZMA/	Sub:- Construction of additional building for Sharon Cashew	Decision communicated

	S&TD	factory at Thekkumbhagam Grama Panchayath, Kollam Decision:- The KCZMA considered the case in detail and decided to grant clearance to the construction as it is confirmed that the area falls in the backwater island.	on 29.01.2013
53.3.5	1654/A2/12/ KCZMA/ S&TD	Sub:- Construction of a residential building by Shri. Koyamon, S/o Kunjava, Kunjalakath P.O, Ariyalloor, Malappuram Decision:- The KCZMA discussed the proposal in detail and decided to send communication to the Vallikkunnu Grama Panchayat to prepare and submit a comprehensive plan between 100 and 200 meter from the High Tide Line of Sea in consultation with traditional coastal communities including fisherfolk incorporating the necessary disaster management provisions and sanitation requirements.	Decision communicated on 28.01.2013
53.3.6	1674/A3/ 2012/KCZMA /S&TD	Sub:- Construction of Residential building of Sri.Gopalakrishnan, Puthen Veetil, Adinadu South, Kulasekharapuram, Kollam Decision:- The KCZMA discussed the case in detail and observed that since the construction is by the side of T.S. canal, the banks of which is not subject to any hazard, the construction can be permitted if it is for traditional community or fisherfolk. The authority decided to verify whether the proponent belong to traditional community or fisherfolk.	Decision communicated on 21.01.2013
53.3.7	1675/A3/ 2012/KCZMA /S&TD	Sub:- Construction of Residential Building of Mr. Harold & Smt.Sherly, Puthen Thuruth, Meenam, Sakthikulangara, Kollam Decision:- The KCZMA discussed the case in detail and decided to get clarified from the local body the distance of the construction	Decision communicated on 21.01.2013

		from the water-body.	
53.3.8	1014/A3/11/ KCZMA/ S&TD	Sub:- CRZ clearance sought by Mrs.Vimala.D, Thiruvananthapuram for a construction proposed at Pallithura in Attipra Village Decision:- The KCZMA discussed the case in detail and decided to take up the matter with the Secretary, LSGD for disciplinary action against the Secretary, Corporation of Thiruvananthapuram.	Decision communicated on 04.02.2013
53.3.9	1693/A3/12/ KCZMA/ S&TD	Sub:- Construction of Commercial building by Sri. A. Ajees, Aseena Manzil, Thiruvananthapuram Decision:- The KCZMA discussed the case in detail and decided to reject the proposal.	Decision communicated on 29.01.2013
53.3.10	1209/A2/12/ KCZMA/ S&TD	Sub:- Construction of Telecommunication Tower by M/s. Indus Tower Ltd. at Parappanangadi Grama Panchayath Decision:- The KCZMA discussed the case in detail and decided that the distance between the towers be ascertained	Distance verified from the Panchayath Authorities. Agenda Item for the 54 th meeting.
53.3.11	1389/A2/12/ KCZMA/ S&TD	Sub:- Construction of Residential Building by Sri.K.Madhusoodanan, Koonicheere House, Ramanthali Decision:- The KCZMA discussed the case in detail and decided to verify the traditional rights of the applicant.	Letter sent to Panchayath on 30.01.2013
53.3.12	1736/A2/12/ KCZMA/ S&TD	Sub:- Construction of Shop Building by Shri.Jaseer Ahmed.M, Mylanchikkal House, Pazhayangadi Decision:- The KCZMA discussed the case in detail and decided to reject the proposal.	Decision communicated on 28.01.2013
53.3.13	1412/A3/12/ KCZMA/ S&TD	Sub:- Regularisation of residential building of Sri. Manchu Varghese Decision:- The KCZMA discussed the case in detail and decided to	Decision communicated on 02.03.2013



		<p>these backwater islands.”</p> <p><i>It was also noted that whatever constructions made in violation of the provisions of CRZ Notification of 1991 will remain as violation of CRZ and such violations cannot be resolved by provisions of CRZ Notification 2011. The authority therefore finds the construction as violation of CRZ and hence the authority observed that the petition be disposed of treating the construction as a violation of CRZ and decided to take action as per the Government of India Memorandum of 2012.</i></p>	
53.4.3	977/A3/2012 /KCZMA/ S&TD	<p>Sub:- Reconstruction of Residential building by Sri. B.Sethu, Pallinada Puthen Veedu, Vazhamuttom, Pachalloor.P.O, Thiruvananthapuram</p> <p>Decision:- <i>The KCZMA discussed the case in detail and decided to grant clearance for the construction.</i></p>	Decision communicated on 22.01.2013
53.4.4	1867/A3/ 2012/KCZMA /S&TD	<p>Sub:- Construction of Ice Plant by Shri. John James, Ittikatharaveedu, Puthupally.P.O, Kayamkulam, Alappuzha</p> <p>Decision:- <i>The KCZMA discussed the case in detail and decided to grant CRZ clearance subject to the conditions laid in the CRZ Notification of 2011.</i></p>	Decision communicated on 29.01.2013
53.4.5	1918/A3/ 2012/KCZMA /S&TD	<p>Sub:- Construction of Building for Boat repairing yard by Shri. George, Ittikathara, Puthuppally South.P.O, Kayamkulam</p> <p>Decision:- <i>The KCZMA discussed the case in detail and decided to grant CRZ clearance subject to the condition that not waste will be dumped in the CRZ area or let out to the water body.</i></p>	Decision communicated on 22.01.2013
53.4.6	1974/A2/ 2012/KCZMA /S&TD	<p>Sub:- DEVELOPMENT OF PONNANI PORT, MALAPPURAM</p> <p>Decision:- <i>The KCZMA</i></p>	Decision communicated on 17.01.2013

		discussed the case in detail. The area proposed for the project is a low eroding beach as per the shoreline map prepared by Anna University and approved by MoEF. The KCZMA decided to recommend to the proposal to MoEF for consideration.	
53.4.7	1944/A3/ 2012/KCZMA /S&TD	<p>Sub:- CRZ Clearance for the Pilot Project at Mathipuram Slum, Vizhinjam, Thiruvananthapuram</p> <p>Decision:- The KCZMA discussed the case in detail. The area being considered for the said project is already part of the Thiruvananthapuram Corporation and would be considering categorization of the said area under CRZ II once the revised KCZMP is submitted for Government approval. The KCZMA opined that the said project is a serious effort from the Government of Kerala to eradicate slum. The fact that the Corporation is constrained to accommodate, within the limited area of 3 acres of land available, 1032 houses in 84 blocks in 3 floor (Ground + 2) in the present slum area after demolishing the existing hut and it is not practical to rehabilitate the fisher folk inhabitants in any other place. Considering the above facts, KCZMA decided to recommend to MoEF the project for clearance and request reconsideration.</p>	Decision communicated on 21.01.2013

Agenda Item No.54.3

Consideration of new Agenda items.

Construction of Gabions, food court, foyer, Walkway etc.

- Name of Applicant** : Development of Payyambalam beach walk.
- Project Details** : Construction works in beach with gabions, semi permanent structures for food court and entrance foyer of temp nature, land filling of 3150m³. It is also proposed to set up electronic toilets, seating beaches, lights arrangements etc.
- Activities proposed** : Construction works include gabions, food court, foyer, walk way etc.
- Location Details** : The 'beach walk' under development extends from Lat 11° 52' 23" Long 75° 21'0" Lat 11° 52' 9" along the Kannur coast bordering the Lakshadweep sea. It is in Kannur Municipality.
- CRZ of the area** : The CESS has prepared the CRZ status report for the area. The area is the Payyambalam beach which extends northward from an inlet immediately south of the beach. The inlet has embankments on both the banks. The line of the embankment is the HTL on the embankment side. Payyambalam beach being a sandy beach with seawalls almost along the line of monsoon berm crest or the lone of the seawall is taken as the HTL. The beach has accreted in such a berm crest seaward of the seawall has been considered for HTL identification. Being on the seacoast the CRZ is 500m landward of the HTL in addition to the area between the HTL and LTL and the water body and the bed. The CRZ further upstream of 500 m on the stream banks is the width of the stream which is around 10-15m. The area has been demarcated as belonging to CRZ II category (Map no 65 in the CZMP). The seashore water up to

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12nm, the stream water and the bed are CRZ IV. The present study shows that the CRZ consists of CRZ IA, CRZIB, CRZ II and CRZ IV.

Provisions of CRZ Notifications. : The construction is proposed in CRZ I and CRZ II area. In CRZ I Pavilion is proposed. This is not a permissible activity. In CRZ II as per CRZ notification construction can be permitted landward of existing authorized structure/road. There is no road or permanent structure in the area on seaward side of proposed construction and hence proposed construction will be seaward of existing road. Community toilets, rain shelters alone can be permitted in the area. Food court and pavilion will not be permissible.

Hence placed before KCZMA for a decision.



Agenda Item No. 54.3.2

File No. 13/A3/2013/KCZMA/S&TD

**Construction of Residential building of Shri.Shaji.M.P, Maniparambil, Ambika
Market.P.O, Vaikom, Kottayam**

- Name of Applicant** : Shri.Shaji.M.P, Maniparambil, Ambika Market.P.O,
Vaikom, Kottayam.
- Project Details** : Construction of building for residential purpose with
plinth area of 11,7m² in Single Floor by a fisherman by
occupation.
- Activities
proposed** : Construction of dwelling unit.
- Location Details** : Re. Sy. No. 279/29B, 539/1-35 (3.63 Ar) Vechoor
Village, 22m from HTL of backwater.
- CRZ of the area** : The area is on the banks of Vembanad backwater. The
area is in CRZ III. It is also No Development Zone.
- Provisions of CRZ
Notifications.** : As per CRZ Notification 2011 Clause 8 III A (ii) No New
constructions can be permitted in the No Development
Zone of CRZ III. Only reconstruction of authorized
structures can be permitted in the No Development Zone
of CRZ III.

Hence placed before KCZMA for a decision.



Agenda Item No. 54.3.3

File No. 56/A2/2013/KCZMA/S&TD

Construction of building by Smt. K. Sujatha, Ayilyam, Kochi

- Name of Applicant** : Smt. K. Sujatha, Ayilyam, House No. 39/2756 A,
M.G.Road, P.O, Ernakulam, Kochi - 682 016.
- Project Details** : Construction of building with plinth area of 133.5m²,
Three floors, Height 10.51m.
- Activities proposed** : Construction of building.
- Location Details** : Sy. No. 194/10, 17, 18 of Mulavukkad Village,
Kanyannur Taluk, Ernakulam, 19m from HTL of
backwater.
- CRZ of the area** : The area is shown as marshy land. This may be Pokkal
fields / mangrove area. CRZ need to be verified it may
be in CRZ IV or CRZ III (No Development Zone).
- Provisions of CRZ
Notifications.** : The area is shown as marshy land. It may be in CRZ IV,
CRZ I or in No Development of CRZ III. In all the cases
new construction will not be permissible.
- Comments** : The proposed construction is with two floors and overall
height is less than 9m.

Hence placed before KCZMA for a decision.



**Construction of Houses under Government Housing Scheme, Edavanakkad
Grama Panchayath, Ernakulam**

The Secretary, Edavanakkad Grama Panchayath has forwarded 22 applications for CRZ clearance under Government Housing Scheme namely.

- 1) Suneesh Kumar.K.D, Kadamattussery House, Edavanakkad.P.O, Ernakulam.
- 2) Sudheesh Kumar.K.D, Kadamattussery House, Edavanakkad.
- 3) Sainaba, W/o.Usman, Kakkatt House, Edavanakkad (Regularisation) F.P.
- 4) Dineshan.P.A, Ponnathara House, Edavanakkad (Regularisation).
- 5) Khader.K.S, Kakkatt House, Edavanakkad.
- 6) Idwin.K.L, Kurisingal House, Edavanakkad.
- 7) Bhasura Prakasan, Rohit Bhavan, Edavanakkad.
- 8) K.A. Mujeeb, Karuthatty, Edavanakkad.
- 9) Niyas.K.K, Karukassery, Edavanakkad.
- 10) Simon, Pazhampilly House, Edavanakkad.
- 11) Shihab, Puthenpurakkal House, Edavanakkad.
- 12) C.P.Rajamma, Cherupullithara House, Edavanakkad.
- 13) Murugan, Perumpadappil House, Edavanakkad.
- 14) Anandan.K.K, Kattookkaran House, Edavanakkad.
- 15) Karthikeyan, Pallayil House, Edavanakkad.
- 16) Radhakrishnan, Ramadi House, Edavanakkad.
- 17) Babu, Thevarthara, Edavanakkad.
- 18) Suresh, Puthuparambil House, Edavanakkad.
- 19) Varghese.P.D, Pazhampilly House, Edavanakkad.
- 20) Saju Thomas, Padathuparambil House, Edavanakkad.
- 21) Baiju.V.V, Vallachirakkaran, Edavanakkad.
- 22) Aleema, Srambiakkal, Edavanakkad.

The site inspection report received from CESS is attached herewith.

KCZMA may decide.



Agenda Item No. 54.3.5

File No. 331/A3/2012/KCZMA/S&TD

Site Inspection Report on construction of retaining walls along Kadinamkulam kayal in Cheramanthuruth and reclamation for the construction of a resort

51st meeting of the KCZMA held on 21.08.2012 had discussed the complaint put in by Shri. G. Suresh, Kerala Sasthra Sahithya Parishad against the construction of retaining walls along Kadinamkulam Kayal in Cheramanthuruth and reclamation for the construction of a resort and found that the reclamation in Kadinamkulam Kayal in Cheramanthuruth and construction made amount to violation of the provisions of CRZ Notification and EP Act 1986. The KCZMA have therefore decided to issue direction invoking section 5 of EP Act and to call for explanation from the Secretary, Kadinamkulam Grama Panchayat and to constitute a committee for looking into the complaint. The explanation called from the Secretary, Kadinamkulam Grama Panchayat has not been received. The Sub-Committee have submitted report which is **appended**.

May be placed before the KCZMA for perusal and further direction.

Report of the Monitoring Committee for SWM / STP at Kureepuzha, Kollam

As decided by 47th and 48th meeting of KCZMA, clearance were granted for the construction of Sewage Treatment Plant and Solid Waste management facility at Kureepuzha, Kollam under KSUDP. A two member Committee also was constituted for monitoring the project. Later Shri.Kamalakshan Kokkal, Joint Director was designated as Member Convenor of the Monitoring Committee.

The report submitted by the Committee may be placed before the meeting of KCZMA for perusal and further decision.

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Agenda Item No. 54.3.7

File No. 1051/A2/2010/KCZMA/S&TD

Construction of Ayurvedic Resort at Punnayur Grama Panchayath, Thrissur
by M/s. Rajah Islands

The KCZMA in its 51st meeting considered the proposal for the regularization of the building constructed in Sy. No. 47, 48, 49, 53 & 54 of Punnayur Village, Thrissur. The Authority decided to obtain clearance from the Tourism Department and also decided to constitute a committee for site inspection. The applicant has obtained clearance from the Tourism Department (enclosed). The report of the above committee may be seen attached to this.

Hence placed before KCZMA for appropriate decision.

**Construction of Telecommunication Tower by M/s. Indus Tower Ltd. at
Parappanangadi Grama Panchayath**

The proposal for the construction of a Telecommunication Tower in Parappanangadi Grama Panchayath by M/s. Indus Tower Ltd. has been discussed by the KCZMA in the last meeting. The proposed construction comes at a distance of 244m from the HTL of sea. KCZMA decided to ascertain the distance between other towers in the areas and the proposed one. Accordingly the Panchayath Secretary was requested to inform whether there exist other mobile towers within 1 km radius of the proposed one. The Panchayath Secretary has reported that mobile tower of other telecommunication companies exists within 1 km radius of the site.

As per the CRZ Notification, construction of Mobile Tower is neither prohibited nor listed as permissible activity. The proposed installation is at distance of 244m from the HTL of sea. The CRZ is CRZ III regulated Zone. Ministry of Environment & Forests has permitted earlier installation of Mobile Tower in the 200-500 m Zone of CRZ III.

Hence the matter is placed before the KCZMA as decided in the 53rd meeting of KCZMA.

Construction of Additional Block for Girls Hostel at IHMCT, Kovalam

- Name of Applicant** : Shri.L.V.Kumar, Principal, IHMCT, Kovalam.
- Project Details** : Construction of additional block for Girls Hostel at IHMCT, Kovalam with a plinth area of 376m².
- Activities proposed** : Construction of building.
- Location Details** : IHMCT Campus, G.V.Raja Road, Kovalam.
- CRZ of the area** : The CESS has conducted the field study to verify the CRZ status. The report is summarized as following.

Being on the sea coast, the area has a CRZ extending upto 500m landward from the HTL in addition to the area between the HTL and LTL, the sea and the bed. The proposed building is within the CRZ and landward of the 200m No Development Zone.

The HTL is along the seaward boundary of rocky cliff and seawall. Monsoon berm crest is also used to identify the HTL. The LTL is seaward of the seasonal beach. The site was in erstwhile Vizhinjam Grama Panchayath and accordingly the CRZ of the area, except those belonging to CRZ I, has been categorized as CRZ III. The erstwhile Vizhinjam Grama Panchayath has now been made par of Thiruvananthapuram Corporation. There could be a reclassification of developed areas in the erstwhile Vizhinjam Grama Panchayath as CRZ II when the CZMP as per the CRZ 2011 is prepared. Filed investigation carried out showed the presence of intertidal zone in the coastal zone of Kovalam which is CRZ IB. The Project building is located in CRZ landward of the 200m No Development Zone. The project area does not have any sensitive eco systems such as mangroves which are eligible to categorized as CRZ IA.

- Project Cost** : Rs.1,06,65,500/-
- Provisions of CRZ Notifications.** : As per the CRZ Notification 2011 Clause 8 III B (viii) construction of Schools for the local inhabitants of the area can be permitted in between 200-500m from HTL of sea.

Hence placed before KCZMA for a decision.



Building constructed in Calicut Corporation area – M/s. Pentagon Builders

Managing Partner, M/s. Pentagon Builders, Calicut has submitted a request for granting CRZ clearance for the building already constructed in the Calicut Corporation area following to the directive of Hon'ble High Court dated, 17.10.2012. Copy may be seen **attached**. Later on 30.10.2012, the applicant has submitted the Form I application. The applicant was directed to furnish proper application with all relevant documents as directed in the CRZ Notification 2011, vide letter dated, 01.11.2012. The fact was informed to the Standing Counsel and he was requested to appraise the matter to the Hon'ble High Court vide letter dated, 05.11.2012. The Advocate for the petitioner produced an interim order dated, 06.12.2012 vide letter dated, 07.12.2012. Copy may be see attached to this.

Further, the petitioner and the Standing Counsel was informed of the shortcomings in the said application submitted, vide letter dated, 20.12.2012 from the Authority. An application was received on February 2nd 2013 also, and the same too was incomplete and lacked details. The position was intimated to the Standing Counsel and the applicant vide letter dated, 13.02.2013. They obtained stay order to continue with the construction for a period of one month with effect from 15.01.2013.

The essential documents as pointed out in the letter dated, 13.02.2013 (**copy attached**) is still pending, examination could not be done. Earlier experts on behalf of KCZMA visited the site and found that this is a clear case of violation.

Hence the Authority may discuss the case and advice on the further course of action.

**Construction of Prayer Hall (Bajanamandapam) by M/s. Panathura
Subramanya Swami Temple**

- Name of Applicant** : Shri. B. Sudharmman, President, Panathura
Shri.Subramanya Swamy Temple, Panathura, Trivandrum.
- Project Details** : Construction of Prayer Hall (Bajanamandapam) with a
plinth area of 148.40m². Elevation - 6.96m.
- Activities proposed** : Building Construction - Prayer Hall - 138.48m² and
total complex - 10m².
- Location Details** : Re.Sy. No. 560/1 of Thiruvallam Village,
Thiruvananthapuram Taluk.
- CRZ of the area** : As per approved CZMP of the State the area is in CRZ III.
The 200m from the HTL landward of sea is No
Development Zone.
- Project cost** : No details provided.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, Clause 8 III A (ii) no new
construction can be permitted No Development Zone of
CRZ III expect those listed in Clause I III A (iii).
Construction of Prayer Hall is not listed.
- Comments** : The area is a part of Thiruvananthapuram Corporation.
This area has not been re-categorised to CRZ II till date.
The reclassification can be done only along with the
CZMP to be prepared based on Notification 2011. If area
is re-categorised this can be permitted.

Hence placed before KCZMA for a decision.

Construction of Net Weaving yard, Kozhikode Corporation

- Name of Applicant** : The Secretary, Kozhikode Corporation.
- Project Details** : Construction of Infrastructure for Net weaving yard in Puthyakadavu Slum in Kozhikode.
- Activities proposed** : Construction of Platform.
- Location Details** : Puthiyakadavu Slum area.
- CRZ of the area** : The area is in CRZ II, Landward of beach road which is marked in approved Kerala Coastal Zone Management Plan.
- Project cost** : 7.5 lakhs.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, net mending yards are permissible as it is a basic facility required for the fishing community. Moreover the construction is landward of existing authorized road in CRZ II.

Hence placed before KCZMA for a decision.

Construction of Residential Building by Sri. Amrutha Raj.K.P, Cherukunnu
Grama Panchayath, Kannur

- Name of Applicant** : Shri. Amrutha Raj.K.P, Cherukunnu, Kannur.
- Project Details** : A residential building with plinth area of 86.39m² is completed.
- Activities proposed** : Regularisation of construction of Residential building.
- Location Details** : Re. Sy. No. 147/3, Cherukunnu Panchayath.
- CRZ of the area** : The area is on the banks of Payangadi River which is having tidal influence from sea. The CRZ landward of HTL is 100m and it is categorized as CRZ III. This area is also No Development Zone.
- 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. Only reconstruction of authorized structures can be permitted in the No Development Zone of CRZ III.
- Comments** : The construction is made in the NDZ of CRZ III. The construction is landward of existing residential buildings.

Hence placed before KCZMA for a decision.

**Construction of building, Canopy and Storage tank for Petrol Pump by Smt.
Shylaja.G, Uduma Grama Panchayath, Kasargod**

- Name of Applicant** : Smt. Madhavi Alias Shylaja.G, W/o. Gangadharan, Jaya Nivas, T.T.Road, Malamkunnu, Uduma, Kasargod.
- Project Details** : Construction of building for office for Petrol pump with a plinth area of 39.77m² and Canopy with plinth are of 139.10m², installation of dispensable unit and underground Storage tank.
- Activities proposed** : Construction of building, canopy and storage tank underground installation of dispensable units.
- Location Details** : Re.Sy.No. 235/IB, Pallikkara II Village, Kasargod.
- CRZ of the area** : The area is between 0-200m from HTL of sea in Uduma Panchayath. The area is CRZ III, No Development Zone.
- Provisions of CRZ Notifications.** : As per the CRZ Notification 2011 Clause 8 III(ii) No new construction can be permitted in No Development Zone of CRZ III. The Clause 8 III A(iii)(1) facilities required for fishermen community can be permitted in the No Development Zone.
- Comments** : The pump is allotted for both as marine outlet and for motors. Hence KCZMA may decide on the permission.

Hence placed before KCZMA for a decision.

Construction of comfort Station in New Mahe Grama Panchayat

- Name of Applicant** : Secretary, New Mahe Grama panchayat.
- Project Details** : Construction of Comfort Station building with plinth area of 33.44m², single floor.
- Activities proposed** : Building Construction.
- Location Details** : The site is in the banks of Mahe River. The site is 70m from HTL of the river.
- CRZ of the area** : The area being in Panchayath is categorized as CRZ III. 100m landward of the river is CRZ III as the width of the river is more than 100m. the area is also classified as No Development Zone.
- Provisions of CRZ Notifications.** : As per CRZ notification 2011, clause 8 III A (iii) J construction of community toilets are permissible in CRZ III No Development Zone.

Hence placed before KCZMA for a decision.

Reconstruction of building for Anganvadi at Panayam Grama Panchayath,

Kollam

- Name of Applicant** : The Secretary, Panayam Grama Panchayath, Kollam.
- Project Details** : Reconstruction of building for Anganvadi with a plinth area of 36.53m².
- Activities proposed** : Reconstruction of building.
- Location Details** : Sy. No. 35/10 (8.30 Are).
- CRZ of the area** : The area is in CRZ III, No Development Zone.
- Project cost** : No details provided.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011 Clause 8 III A (iii) j constructions of schools of which are required for the traditional communities can be permitted in No Development Zone of CRZ III.

Hence placed before KCZMA for a decision.

**Construction of Residential Building by Smt. Chithralekha, Arookuty.P.O,
Cherthala, Alappuzha**

- Name of Applicant** : Smt. Chithralekha, Padinjare Mattel, Arookuty.P.O,
Cherthala, Alappuzha.
- Project Details** : Construction of residential building 105.02m², Two
Floors, Height 6.59m.
- Activities proposed** : Construction of building.
- Location Details** : Sy. No. 215/1-6, 1.92 Are of Arookuty, Cherthala,
Alappuzha district. 24m from HTL of Inland water body.
- CRZ of the area** : The area is in the No Development Zone of CRZ III.
- Provisions of CRZ
Notifications.** : As per CRZ Notification 2011, Clause 8 III A(ii) only
reconstruction of existing authorized structures can be
permitted in No Development Zone of CRZ III subject to
conditions. New constructions are not permissible.
- Other details** : The Secretary, Panchayath has reported that the
applicant and her husband are traditional fishermen.

Hence placed before KCZMA for a decision.

Construction of Building for Buds School by Madayi Grama Panchayath,
Kannur

- Name of Applicant** : The Secretary, Madayi Grama Panchayth, P.O. Payangad R.S, Kannur.
- Project Details** : Construction of building for Buds School with plinth area of 168.71m², height 5m, single floor.
- Activities proposed** : Construction of building.
- Location Details** : Re-Sy. No. 238/2 of Madayi Village, 20 cents, 120m from HTL of sea.
- CRZ of the area** : The area is No Development Zone of CRZ III.
- Project cost** : Rs. 26,75,000/-
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, Clause 8 III (iii) j, Construction of Schools for the local inhabitants can be permitted in the No Development Zone of CRZ III.

Hence placed before KCZMA for a decision.

Construction of Residential Building by Smt.R.Radha, Madhavapuram,
Titanium.P.O, Thiruvananthapuram

- Name of Applicant** : Smt.R.Radha, T.C. No.32/1247, Puthvalputhen Veedu, Madhavapuram, Titanium.P.O, Thiruvananthapuram.
- Project Details** : Construction of a residential building with plinth area of 43.97m², FAR 0.36.
- Activities proposed** : Construction of building
- Location Details** : Sy. No. 1903/17-14 of Pettah Village wards 34 of Thiruvananthapuram Corporation, 120m from HTL of sea. Landward of existing building T.C. 34/149(1), T.C.34/149.
- CRZ of the area** : The area is in Thiruvananthapuram Corporation. The area is classified as CRZ II.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, Clause 8 III(i) building can be permitted on the landward side of existing authorized structures.
- Comments** : There are two structures shown as seaward of proposed construction. The drawings are certified by the Assistant Engineer, Thiruvananthapuram Corporation.

Hence placed before KCZMA for a decision.

Construction of Residential Building by Sri.Velayudan.C.K &
Smt.Thankamma.C.K, Ariyallur.P.O, Malappuram

- Name of Applicant** : Sri. Velayudan.C.K and Smt.Thankamma.C.K,
Cheriyakoloth (H), Ariyallur.P.O, Malappuram -676 312.
- Project Details** : Construction of Residential building with a plinth area of
96.59m², Two floor height 6.60m.
- Activities proposed** : Construction of building.
- Location Details** : Re. Sy. No. 130/6, Ward 19 of Ariyallur Village, 154m
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 construction of dwelling
units of traditional community including fisher folk can
be permitted in between 100-200m from HTL of Sea if a
comprehensive plan is prepared and approved by
national Coastal Zone Management Authority.
- Other details** : The applicants are reported as belonging to traditional
community living in the areas.

Hence placed before KCZMA for a decision.

Construction of Residential Building by Sri.Christyboy.G, Job Nivas,
Panayam Village, Kollam

- Name of Applicant** : Sri. Christyboy, Job Nivas, Panayam, Kollam.
- Project Details** : Regularisation of a residential building with plinth area of 70.56m², single floor.
- Activities proposed** : Residential building construction completed.
- Location Details** : Re-Survey No. 67/3-2, 3.64 cents of Panayam Village, Kollam. 37m from HTL of Astamudi Back water.
- CRZ of the area** : The area is in the No Development Zone (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 NDZ of CRZ III. Only reconstruction can be permitted subject to conditions.

Hence placed before KCZMA for a decision.

**CRZ Clearance for the construction of Cement Brick making unit by
Smt.V.Vasantha, Attingal Municipality**

The Attingal Municipality has requested NOC for the construction of a Cement Block Unit by Smt.B.Vasantha in Sy. No. 1436/A-1-3, 437/A, 1437/B-1-1, 1437/A-I-3, 68 cents of land of Kunthaloor Village, Attingal Municipality. Though Attingal Municipality is not listed in the CZMP Map No.9 of KCZMP has parts of CRZ.

The construction as per the Site plan is 30m from the Vamanapuram River on the western side of the plot. The plinth area of the construction is 244.41m² (Office building-44.41m², Unit-200m²). Drawal of water for the unit is shown as from a well within the 30m landward of the river using 2 HP pump.

The Municipality has informed that there is no approved buildings or roads in between the proposed unit and the river. The width of the river in the proposed area is reported as 35m-40m. The CRZ will be 35m-40m from the HTL of the river. The construction as per the plan will therefore be a violation of CRZ Notification 2011. Hence the construction cannot be permitted.

May be placed before the KCZMA for a decision.

Amrith

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

Minutes of the 52nd Meeting of Kerala Coastal Zone Management Authority

Date & Time : 27th December 2012 at 2.30 p.m.

Venue : Sasthra Bhavan, Pattom, Thiruvananthapuram

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

List of participants:

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

Members

1. Sri. James Varghese I.A.S, Principal Secretary, Fisheries Department, Government Secretariat, Thiruvananthapuram - 695 001.
2. Dr. N. Subash, Director (In-charge) CESS
3. Sri. Rajeev.G, Additional Secretary, Environment Department
4. Rajagopal K.S. Joint Secretary, Industries Department
5. B. Madhu, Deputy Secretary, Local Self Government Department
6. Asha Varghese, Under Secretary, Revenue Department
7. K.Sajeevan, Chairman, KSPCB.

Agenda Item No.53.1

Confirmation of the Minutes of the 52nd Meeting

Confirmed the Minutes of the 52nd Meeting

Agenda Item No.53.2

Action taken report on the decisions of the 52nd Meeting

The Authority discussed the action taken report on the 52nd meeting in detail.

Agenda Item No 53.3.

Consideration of Deferred Agenda items of 52nd meeting



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

Deferred Agenda Item No. 53.3.1.
File No. 1567/A2/2019/KCZMA/S&TD

Complaint received from Pallimalakunnu Residents Association against illegal construction of side wall between Canoly Canal and Watershed at Kozhikode

A complaint on the illegal construction of side wall between Canoly Canal and watershed in the area between Karimbanapalam to Kalipoykapalam was received from the Pallimalakunnu Residents Association. A Sub Committee was constituted for verification at the site. The Committee found that violation of CRZ norms took place in the area.

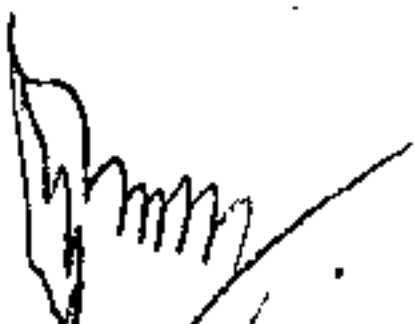
The Authority discussed the report and decided to issue notice to the proponent with regard to the violation of CRZ norms by making construction in CRZ I area. As per the Site Inspection Report placed before the KCZMA, the Authority noted that the construction has been made without prior permission from the CZMA especially in the case of the Sarovaram project - a bio-park developed in the area. Explanation has to be called for from local body with regard to permit issued for the construction and assigning building number. Information shall be conveyed to the Secretary, DTPC; the Secretary, Tourism Department and the Secretary, LSGD.

Deferred Agenda Item No. 53.3.2.
File No. 1571/A2/2012/KCZMA/S&TD

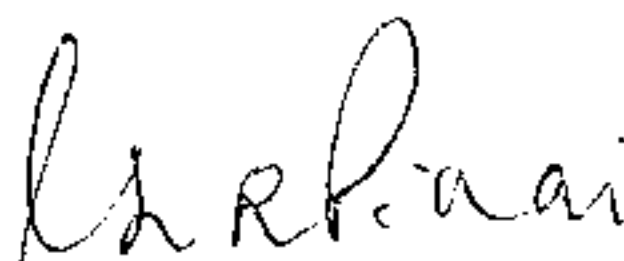
Construction of Residential Building of Shri.V.N.Girishan in Thalassery Municipal Area

Construction of a Residential building with a plinth area of 82.03 M². FAR - 0.50m, Coverage-45.06 in Resurvey No. 62/2B Ward No.9 of Thalassery Municipality by Shri.V.N.Girishan, Valiyaparambathu House, Kavumbhagam, Thalassery. The construction is landward of existing authorised buildings.

The KCZMA considered the proposals for the construction of a residential building and decided to grant CRZ clearance.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

Deferred Agenda Item No. 53.3.3.

File No. 1577/A3/2012/KCZMA/S&TD

Construction of Madrasa Building in Poothakkulam Village, Kollam

Construction of Nellattil Juma Masjid in Poothakkulam Village, Kollam. The area is on the banks of Edava – Nadayara Kayal. As per the provisions of CRZ Notification 2011 Clause 8 III A (iii)(j) construction of schools which are required for the local inhabitants may be permitted on a case to case basis by KCZMA in the No Development Zone of CRZ III. The Madrasa Building is for religious education for the local community. The present construction is for shifting from an old Madrasa building situated in the same plot. It was informed that the existing old building would be demolished after shifting the classes to the new building.

The KCZMA discussed the case in detail and decided to grant clearance for the construction subject to the following conditions:—

- a) ***Dumping of waste if any generated shall not be done in the CRZ area.***
- b) ***The overall height of the construction shall not be more than 9 m with two floors.***
- c) ***Adequate measures are to be made to prevent children going to the banks of the Kayal.***

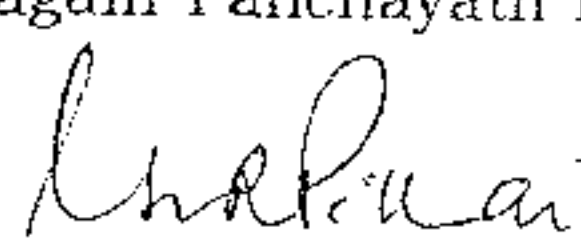
Deferred Agenda item No. 53.3.4.

File No. 1593/A3/12/KCZMA/S&TD

Construction of additional building for Sharon Cashew factory at Thekkumbhagam Grama Panchayath, Kollam

Construction of building for roasting and rest room – (87.32m²), shelling room (145.39m²), rest and cashew (33.72m²), borma (43.61m²), grading hall (89.39m²), ash and shell shed (121.50m²), toilets (15m²) and godown (116m²). The proposed construction is in survey Nos. 23/6, 23/6.1, 23/8.3, 23/5.8 23/15.3 and 23/15 of Thekkumbhagam Panchayath in Kollam District.


Dr. K K Ramachandran
Member Secretary


Prof. V N. Rajasekharan Pillai
Chairman

The site is Nadakkunnu, Chavara, on the bank of Adirampal backwaters. 50th KCZMA has considered the case and rejected the same as setting up of new industries and expansion of existing industries except directly related to water front or directly mooring foreshore facilities are prohibited in CRZ area. Now the factory authorities and the Secretary, Thekkumbhagam Grama Panchayath has requested to reconsider the decision as factory has no other space in the area other than that in the CRZ for providing the toilet, borma and godown. The above basic facilities are very essential as a large number of employees are working in the institution.

The KCZMA considered the case in detail and decided to grant clearance to the construction as it is confirmed that the area falls in the backwater island.

Deferred Agenda Item No.53.3.5.

File No.1654/A2/12/KCZMA/S&TD

Construction of a residential building by Shri. Koyamon, S/o Kunjava, Kunjalakath P.O, Ariyalloor, Malappuram

Shri. Koyamon, S/o Kunjava, Kunjalakath P.O, Ariyalloor constructed a residential building with a plinth area of 164.56m². Two floors with a height of 7.52m in Survey No.244/7 of Ariyalloor village, Vallikkunnu Grama Panchayath, Malappuram. Regularisation has been requested for the residential building in between 100-200m from High Tide Line of sea

The KCZMA discussed the proposal in detail and decided to send communication to the Vallikkunnu Grama Panchayat to prepare and submit a comprehensive plan between 100 and 200 meter from the High Tide Line of Sea in consultation with traditional coastal communities including fisherfolk incorporating the necessary disaster management provisions and sanitation requirements.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

Deferred Agenda Item No. 53.3.6.

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

Construction of Residential Building of Sri.Gopalakrishnan, Puthen Veetil,

Adinadu South, Kulasekharapuram, Kollam

Shri.Gopalakrishnan, Puthen Veetil, Adinadu South, Kulasekharapuram, Kollam has completed construction of a single storied Aluminium sheet roofed residential building with a plinth area of 21.45 M² in Survey No. 438/4/2 (5 cents), 68 m from High Tide Line of TS Canal. Regularisation has been requested.

The KCZMA discussed the case in detail and observed that since the construction is by the side of T.S. canal, the banks of which is not subject to any hazard, the construction can be permitted if it is for traditional community or fisherfolk. The authority decided to verify whether the proponent belong to traditional community or fisherfolk.

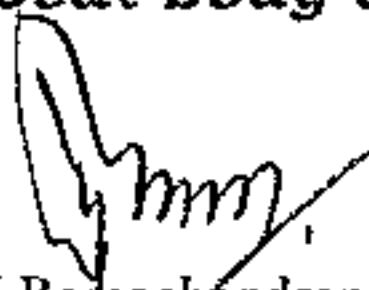
Deferred Agenda Item No. 53.3.7.

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

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

Construction of a Single storied Residential building with a plinth area of 50.4 M², single storied, FAR: 0.12, Coverage: 12% in Survey No. 46/27 of Sakthikulangara, Kollam by Mr. Harold & Smt. Sherly, Puthen Thuruth, Meenam, Sakthikulangara. The construction is in the NDZ of CRZ III on the banks of backwaters. As per the application the distance of the construction from the water-body is 17 metres.

The KCZMA discussed the case in detail and decided to get clarified from the local body the distance of the construction from the water-body.


Dr. K K Ramachandran
Member Secretary


Prof. V N. Rajasekharan Pillai
Chairman

Deferred Agenda Item No. 68.3.3.

File No. 101-1/2011/KCZMA/SGTD

CRZ clearance sought by Mrs. Vimala D, Thiruvananthapuram for a
construction proposed at Pallithura in Attipra Village

Construction of a Residential building with plinth area of 191.64 m² with two floors in Sy.No.13/1-14 at Pallithura in Attipra Village by Mrs Vimala D. The area falls in NDZ.

The Thiruvananthapuram Corporation has provided building permit violating provisions of CRZ Notification 2011/1991. This was brought to the notice of KCZMA in its 46th meeting. KCZMA decided " to issue notice to the Corporation seeking explanation on granting permit for the construction, which is in violation of the provision of the CRZ Notification of 1991 marking a copy to Mrs. Vimala D.

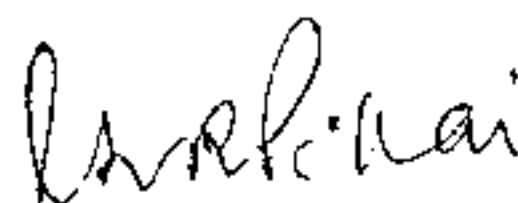
Accordingly Notice was issued on 03.03.2012 but the Corporation Secretary was not responded to it till date. 51st Meeting of KCZMA considered the case and decided to issue another notice as per the Section 5 of EP Act calling for explanation within one week and also informing that if no explanation is received within the time stipulated, action as per the provisions of EP Act will be proceeded without further notice.

Based on the above decision the notice was issued to the Corporation Secretary on 01.10.2012 giving One-week time to submit his explanation. But he has not submitted it till date even after the expiry of the time limit.

The KCZMA discussed the case in detail and decided to take up the matter with the Secretary, LSGD for disciplinary action against the Secretary, Corporation of Thiruvananthapuram.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

Deferred Agenda Item No. 53.3.3,
File No. 1095/23/12/KCZMA/S&TD

Construction of Commercial building by Sri. Anivesh Sreejith Pillai,
Thiruvananthapuram

Construction of Commercial building with a plinth area of 383.45m² (two floors), FAR – 0.47 in Survey No. 251/4 of Vettoor Village, 20 cents of Land 242m from high Tide Line of sea. Construction is 247m from high Tide Line of sea . The area is in CRZ III. . Area upto 200m from High Tide Line is No Development Zone. The proposed area is between 200-500m and this is regulated zone. As per CRZ Notification 2011 commercial complex are not permissible in CRZ III area.

The KCZMA discussed the case in detail and decided to reject the proposal.

Deferred Agenda Item No. 53.3.10
File No. 1209/A2/12/KCZMA/S&TD

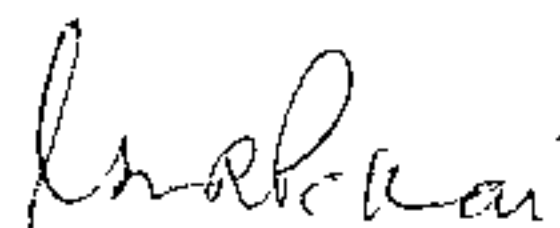
Construction of Telecommunication Tower by M/s. Indus Tower Ltd. at
Parappanangadi Grama Panchayath

Construction of a Telecommunication Tower in Parappanangadi Grama Panchayath by M/s. Indus Tower Ltd., Kochi in R.Sy. No. 48/10, Parappanangadi Village. Construction proposed at a distance of 244m from the HTL of sea. The construction is in CRZ III regulated Zone. This is not listed as a permissible or prohibited activity in the CRZ Notification 2011. Environment Group of KSCSTE reported that Ministry of Environment & Forests had earlier permitted a mobile tower in the 200-500 m Zone of CRZ III in Pallikkara Grama Panchayat of Kasargod district. As per the guidelines issued by MoEF, the minimum distance between transmission towers shall be one Kilometer.

The KCZMA discussed the case in detail and decided that the distance between the towers be ascertained



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

Deferred Agenda Item No. 53.3.11.

File No. 1089/A2/12/KCZMA/S&TD

Construction of Residential Building by Shri.K.Madhusoodanan,
Koonicheere House, Ramanthali

Construction of a residential building with a plinth area of 112.98m². Height is 7.30m with two floors in Resurvey No. 47/10 of Ramanthali village by Shri.K.Madhusoodanan, Koonicheere House, Edikkulam.P.O, Ramanthali. As per CRZ Notification 2011 Para 8 III B (vii) construction of dwelling units is permissible as long as it is within the ambit of traditional rights and customary uses of existing fishing village and goathans. Construction shall be subject to local town and country planning regulation with overall height of construction not exceeding 9 meters with two floors (G+1 floor).

The KCZMA discussed the case in detail and decided to verify the traditional rights of the applicant.

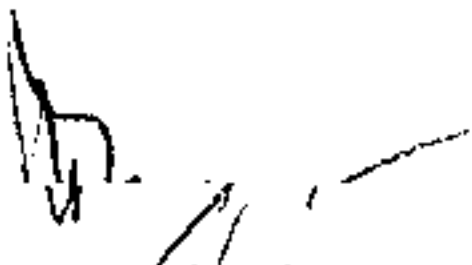
Deferred Agenda Item No. 53.3.12

File No. 1736/A2/12/KCZMA/S&TD

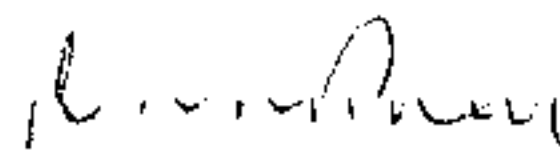
Construction of Shop Building by Shri.Jaseer Ahmed.M, Mylanchikkal
House, Pazhayangadi

Construction of a Shop building with a plinth area of 540.1m², FAR-1.64, 3 Floors (Ground floor + 2) in Resurvey No. 70/2, 70/6, 70/3 of Ezhom Grama Panchayath. The proposed land is on the banks of river having tidal influence from sea. The area is 83.5m from HTL of the river by Shri. Jaseer Ahmed.M, Mylanchikkal House, Pazhayangadi. As per CRZ Notification 2011 commercial complex are not permissible in CRZ III area or in CRZ I area.

The KCZMA discussed the case in detail and decided to reject the proposal.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

Deferred Agenda Item No. 53.3.13.

File No.1412/A3/12/KCZMA/S&TD

Regularisation of residential building of Sri. Manchu Varghese

A residential building constructed with a plot area of 207.75sqm (2 floors) Height - 7m, FAR -0.07%, Coverage 6% in Resurvey No. 61/3 of Thrikkaruva Village, Kollam -36.50acre by Manchu Varghese. Construction of the building completed. Regularisation is requested.

The area is on the banks of Ashtamudi backwater, which has tidal influence from sea. 100m landward of high Tide Line of the backwater in CRZ. The area is also No Development Zone. As per the CRZ Notification 2011 only reconstruction of existing authorised buildings can be permitted in the CRZ-No Development Zone area. The present construction is made in violation of provisions of CRZ Notification.

The KCZMA discussed the case in detail and decided to take action as per the Government of India Office Memorandum of 2012.

Deferred Agenda Item No. 53.3.14.

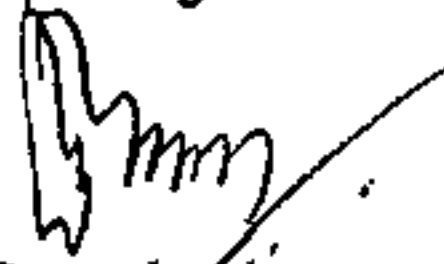
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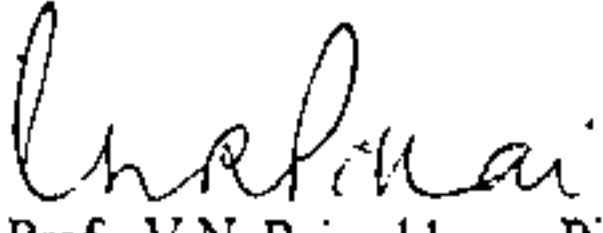
Construction of Compound Wall, Chendamangalam Grama Panchayath,
Ernakulam

Construction of compound wall with a height of 1.95 m for a private property in Survey No. 92 of Chendamangalam Village, Ernakulam. The area is on the banks of inland water body having tidal influence from sea. The area will be CRZ III, No Development Zone.

The construction of compound wall along the banks of inland waterbodies is not mentioned in the CRZ Notification. But on the beaches where resorts / hotels are constructed compound wall is not permissible. Only live fencing or barbed wire fencing is permitted in the NDZ where resorts are to be constructed. This is to avoid the blockade to the beaches.

The KCZMA discussed the case in detail and decided to grant clearance for the construction of the compound wall.


Dr. K K Ramachandran
Member Secretary


Prof. V N. Rajasekharan Pillai
Chairman

Agenda Item No. 33.6

Consideration of Additional Agenda Items

Additional Agenda Item No. 33.6.1

File No. 670/2010/COIC/ROBIA/CMSP

Construction of Convention and Exhibition Centre at Mulavukad

KCZMA in its 52nd meeting considered the proposal for the construction of Convention and Exhibition Centre at Mulavukad, and as decided a committee was constituted for examining the case. The report of the sub committee is placed before the KCZMA for consideration.

The KCZMA discussed the report submitted by the committee constituted to visit the site and interact with the port authorities and project proponents. It observed that the reclamation was done by the Port Trust during 2005-06 as part of their operational requirements as per CRZ Notification 2011 Clause 3 (iv) (a). Later the Port authorities have obtained permission from the Ministry of Shipping on 4th June 2010 for leasing out the land for 30 years with an option for renewal after 30 years at the then prevailing rates. An area of 10.59 ha of land in the Mulavukad Island adjacent to the Bolghatty was leased out to the Proponent and thus the proposal of the project Lulu Convention and Exhibition Centre with a built up area of 1,49,820 m² came up before the KCZMA for CRZ Clearance. After detailed discussion considering various ecosystem aspects, the KCZMA decided that the area being part of an island, the CRZ landward extends only upto 50 m and the proposal is for construction of non-port related activity envisaged outside the 50 m, the proposal can be recommended subject to the general conditions and that no untreated wastes will be let into the water body and to forward the same to the SEIAA. To ensure strict compliance to the conditions, the proponent shall submit report to the local body and the local body shall verify and report to the KCZMA that the conditions are complied.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

Judgement in WP(C) No. 5845/12 filed by Shri. Jose George, Kadappil Pichu
Villa, Pallippuram Post, Cherthala - 689 541

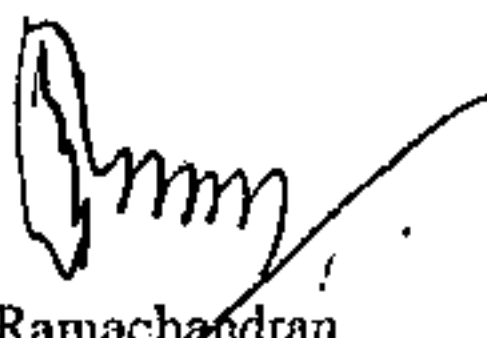
Shri. Jose George filed WP(C) No. 5845/12 praying for the entitlement to make construction in his property after leaving a distance of 50 metres from HTL and also for assigning building number on the basis of his application dt. 02.12.2011. The Hon'ble High Court in its judgement dt. 27.09.2012 disposed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

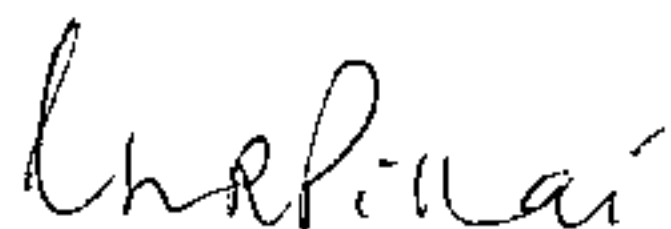
- i) The petitioner shall submit a proper application to the 3rd respondent supported by all necessary documents, seeking permission of the said authority for regularization of the construction made by him, within a period of two weeks of the date of receipt of a copy of this judgement.
- ii) The 3rd respondent shall on receipt of such application, if submitted, consider the same in accordance with the provisions of the CRZ Notification of 2011 and other notifications, if any applicable, and shall pass final orders thereon, as expeditiously as possible and at any rate within a period of six weeks of the date of receipt of the application of the petitioner.

2) The petitioner filed a representation instead of proper application as per the Court direction. The report of the Env't. Group is as follows:

"The construction is made after 85m from HTL of backwater. The court has directed to consider the proposal based on 2011 Notification. The construction being 85m from HTL will be outside NDZ as per the judgement. As the area is a part of the island and as per judgement the site will be outside the purview of the CRZ Notification based on the following facts.

- (a) The area is in a backwater island.
- (b) The CRZ in the backwater islands are provided with special dispensation and it is now reduced to 50m landward of HTL.


Dr. K K Ramachandran
Member Secretary


Prof. V N. Rajasekharan Pillai
Chairman

Based on the order of Hon'ble High Court the construction made by the petitioner will be outside CRZ (CRZ Notification 2011 Clause 8 V2). It may also be noted that whatever constructions made in violation of CRZ Notification 1991 will remain as violation of CRZ Notification. Such violations cannot be resolved by provisions of CRZ Notification 2011.

The KCZMA discussed the case in detail with respect to the provisions in the CRZ Notification of 2011. As per Clause 8 V 2 of the CRZ Notification of 2011—

“CRZ for Kerala

In view of the unique coastal systems of backwater and backwater islands alongwith space limitation present in the coastal stretches of the State of Kerala, the following activities in CRZ shall be regulated as follows, namely:-

- (i) all the islands in the backwaters of Kerala shall be covered under the CRZ notification; (ii) the islands within the backwaters shall have 50mts width from the High Tide Line on the landward side as the CRZ area;
- (iii) within 50mts from the HTL of these backwater islands existing dwelling units of local communities may be repaired or reconstructed however no new construction shall be permitted;
- (iv) beyond 50mts from the HTL on the landward side of backwater islands, dwelling units of local communities may be constructed with the prior permission of the Gram panchayat;
- (v) foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up within 50mts width from HTL of these backwater islands.”

It was also noted that whatever constructions made in violation of the provisions of CRZ Notification of 1991 will remain as violation of CRZ and such violations cannot be resolved by provisions of CRZ Notification 2011. The authority therefore finds the construction as violation of CRZ and hence the authority observed that the petition be disposed of treating the construction as a violation of CRZ and decided to take action as per the Government of India Memorandum of 2012.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

Additional Agenda Item No. 53.4.3.

File No. 977/A3/2012/KCZMA/S&TD

Reconstruction of Residential Building by Sri. Suresh, Pallada Pitha
Veedu, Vachamuttom, Puthalloor P.O, Thiruvananthapuram

Reconstruction of existing building bearing No. TC/67/2337 with a plinth area of 72.16m², single storied and FAR is 0.33 in Survey No. 2/7-2/8 of Thiruvallam Village of Thiruvananthapuram Corporation. The area is in CRZ III. The site lies 50m from the river in the east and 200m from the sea in the West. It is also shown that the proposed reconstruction and the existing construction bearing No. TC/67/2337 area of same plinth area (72.16m²).

The KCZMA discussed the case in detail and decided to grant clearance for the construction.

Additional Agenda Item No. 53.4.4.

File No. 1867/A3/2012/KCZMA/S&TD

Construction of Ice Plant by Shri. John James, Ittikatharaveedu,
Puthupally.P.O, Kayamkulam, Alappuzha

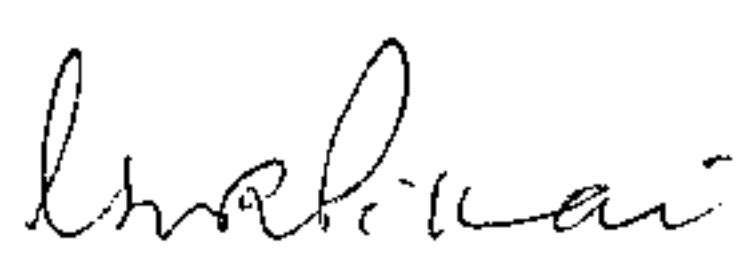
Construction of a building for Ice Plant in Alappad Panchayath with a plinth area of 267.81m², FAR 0.25 and establishment of Ice Plant in Sy. No. 158/17-2, 157/1/4/2, 158/18/2, 157/1/5/2 of Alappadu Village, Kollam. Extent: 10.49 Ares.

The area being in panchayath the CRZ area other than CRZ I & IV are CRZ III. The proposed area is in CRZ III and it is No Development Zone.

As per CRZ Notification 2011 Clause 8 III(A)(iii)(1) facilities required for local fishing communities such as Ice Plants, Ice Crushing units, traditional boat building yards etc. are permissible in the No Development Zone of CRZ III.

The KCZMA discussed the case in detail and decided to grant CRZ clearance subject to the conditions laid in the CRZ Notification of 2011.


Dr. K K Ramachandran
Member Secretary


Prof. V N. Rajasekharan Pillai
Chairman

Additional Agenda Item No. 53.4.5.

File No. 1918/A3/2012/KCZMA/S&TD

Construction of Building for Boat repairing yard by Shri. George,
Ittikathara, Puthuppally South.P.O, Kayamkulam

Construction of Boat repairing yard. The plinth area of the building is 46.50M² in Sy. No. 28/3, 28/4, 28/2-6, 28/5-7 of Puthuppally Village, Devikulangara Panchayath by Shri. George, Ittikathara, Puthuppally South.P.O, Kayamkulam. The area is in an island in the backwaters of Kayamkulam. The CRZ of 50m from HTL landward in backwater islands as per CRZ Notification of 2011. This area is classified as CRZ III No Development Zone and is marked in Map No.19 of approved KCZMA. As per CRZ Notification 2011, Clause 8 III A (iii) (l) constructions of traditional boat building yards can be permitted in the No Development Zone of CRZ III. Being an inland in the backwater the provisions as per Clause 8 V 2 can also be applied. Here also traditional Boat building yard are permissible. The construction of building is outside CRZ limits. The activities like boat repairing is permissible in CRZ area.

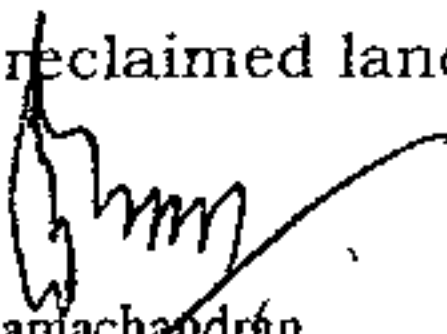
The KCZMA discussed the case in detail and decided to grant CRZ clearance subject to the condition that not waste will be dumped in the CRZ area or let out to the water body.

Additional Agenda Item No. 53.4.6.

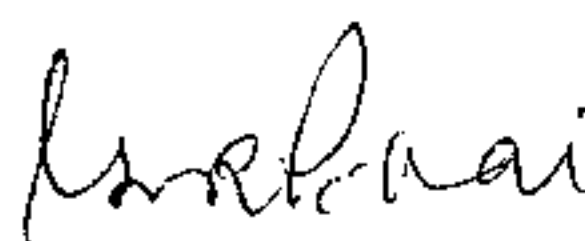
File No. 1974/A2/2012/KCZMA/S&TD

DEVELOPMENT OF PONNANI PORT, MALAPPURAM

The port is proposed to be developed towards south of Bharathapuzha River near Ponnani lighthouse. On the northern side of the project site, Tirurpuzha River joins with Bharathapuzha River and together drains into the Arabian Sea. The port is proposed to be developed on predominantly **reclaimed land of about 82 HA (203 acres) in Phase 1 and 206.1 HA (510 acres) in Phase 1A (cumulative)** which will be the master plan area. An area of approximately 12.14 Ha (30 acres) of unsurveyed coastal land belonging to GoK has been allotted to MPPL for development of Ponnani Port and remaining land will be reclaimed land.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

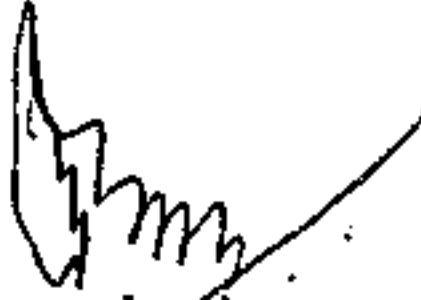
The area is within the Port and Harbours (Regulation) Act, 1924 on the north side of the coastal stretch between the tidal inlets of Kanjiramukku River and Bharathapuzha river. The North Breakwater is located at Latitude $10^{\circ} 46' 25''$ N and Longitude $75^{\circ} 54' 37''$ E and South Breakwater is located at Latitude $10^{\circ} 45' 31''$ N and Longitude $75^{\circ} 55' 05''$ E

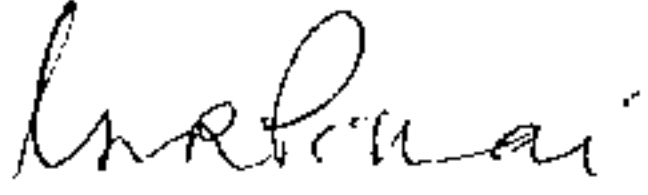
The Environment Clearance from Government of India is required for the project the cargo handling capacity is more than 5mTPA

The water requirement for the proposal is stated to be 785 KLD and the source is shown from Bharathapuzha.

- i) Power requirement during construction Phase is 3 MW and during Operational Phase is 10 MW.*
- ii) Solid waste management is not clearly spelled out. It needs a system that will mitigate the management issues.*
- iii) New rail and roads are proposed to the area.*

Construction of port is a permissible in CRZ. Clause 4.1(f) of CRZ notification 2011 states that 'construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures are regulated and can be permitted'. The Clause 4.1 (b) states that 'for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14th September, 2006), for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority' ports with more than 5 TPA handling capacity are categorised as Category A and hence requires EIA clearance from MoEF. Land reclamation is proposed in the area. As per the provisions of CRZ notification 2011 clause 3 (IV) Land reclamation, bunding or disturbing the natural course of seawater except those, required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible


Dr. K K Ramachandran
Member Secretary


Prof. V N. Rajasekharan Pillai
Chairman

under the notification; are prohibited, hence land reclamation for the development/construction of port can be permitted.

The KCZMA discussed the case in detail. The area proposed for the project is a low eroding beach as per the shoreline map prepared by Anna University and approved by MoEF. The KCZMA decided to recommend to the proposal to MoEF for consideration.

Additional Agenda Item No. 53.4.7.

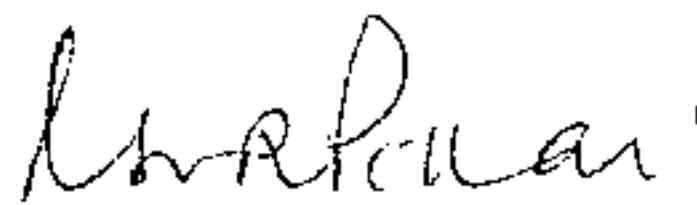
File No. 1944/A3/2012/KCZMA/S&TD

CRZ Clearance for the Pilot Project at Mathipuram Slum, Vizhinjam, Thiruvananthapuram

The 46th KCZMA meeting decided to recommend the project at Mathipuram, Vizhinjam, Thiruvananthapuram for Rehabilitation of Slum to Government of India. The Construction proposed is a G+2 structure to accommodate 1032 families living in 420 huts in Mathipuram, Valiyaparamba, Pattani and Kappachal slum area, which are Coastal area and are quite unhygienic. The inhabitants are fisherfolk depending on the sea for their livelihood. It is not practical to rehabilitate the families elsewhere. The construction of dwelling units for each family is strictly in adherence to the Government of India guidelines to ensure all basic amenities such as roads, drinking water, drainage, sewerage, community centre, Anganwadies etc. The project is envisaged under the Rajiv Awaz Yojana. However, the Government of India, Ministry of Environment & Forests vide their letter dated, 11.04.2012, adhering to 8 III B (vii) of the CRZ Notification 2011, informed that the proposal is not permissible under CRZ Notification 2011. The Hon'ble Chief Minister of Kerala took up the matter with the Minister of State for Environment & Forests to reconsider the decision of Government of India in consideration of the fact that the Corporation is constrained to accommodate, within the limited area of 3 acres of land available, 1032 houses in 84 blocks in 3 floor (Ground + 2) in the present slum area after demolishing the existing hut and it is not practical to rehabilitate the fisher folk inhabitants in any other place.



Dr. K K Ramachandran
Member Secretary



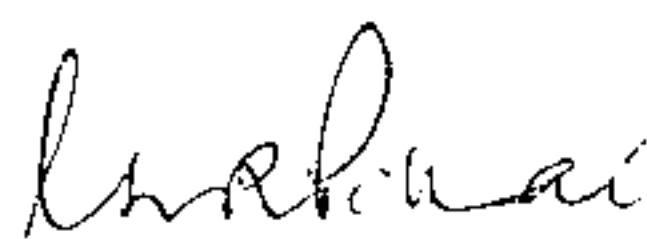
Prof. V N. Rajasekharan Pillai
Chairman

The Secretary, Corporation has requested to re-consider the proposal in the wake of the revision of CZMP.

The KCZMA discussed the case in detail. The area being considered for the said project is already part of the Thiruvananthapuram Corporation and would be considering categorization of the said area under CRZ II once the revised KCZMP is submitted for Government approval. The KCZMA opined that the said project is a serious effort from the Government of Kerala to eradicate slum. The fact that the Corporation is constrained to accommodate, within the limited area of 3 acres of land available, 1032 houses in 84 blocks in 3 floor (Ground + 2) in the present slum area after demolishing the existing hut and it is not practical to rehabilitate the fisher folk inhabitants in any other place. Considering the above facts, KCZMA decided to recommend to MoEF the project for clearance and request reconsideration.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

Annex. to Item 4
File No. 208/A2/1/5272.

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CESS

CENTRE FOR EARTH SCIENCE STUDIES

(An R&D institution of the Kerala State Council for Science, Technology & Environment,
Government of Kerala)

P.B. No. 7250, Akkulam, Thiruvananthapuram 695 031, India

24.12.2012

Dr. K.V. Thomas
Scientist G & Head,
Marine Sciences Division

2304-2

208/

To

The Member Secretary
KCZMA & KSCSTE,
Sasthra Bhavan, Pattom P.O
Thiruvananthapuram 695 004


Sir,


Sub: - CRZ clearance for housing scheme of Edavanakkad Grama Panchayat - report
forwarded - reg.

Ref:- Letter No.034/ENV/2011/CZMA dated 13.10.2011

The report on the CRZ of Government aided housing scheme of Edavanakkad Grama Panchayat based on site inspection by a team from CESS, prepared vide letter cited, is forwarded herewith. The original documents with the above referred letter has already forwarded to Dr.Kamalakshan Kokkal, Joint Director, KSCSTE on 19.12.2012.

Yours faithfully,


(K.V. Thomas)

SECRET/KCZMA

27-12-12

**REPORT ON
CONSTRUCTIONS IN EDAVANAKKAD PANCHAYAT**

(Report Vide Letter No: 034/ENV/2011/CZMA Dated 13.10.2011)

The Secretary, Edavanakkad Gramapanchayath, requested the Chairman Kerala Coastal Zone Management Authority for clarification on CRZ status of few buildings located in the CRZ area of Edavanakkad Gramapanchayath. The KCZMA vide its letter No: 034/ENV/2011/CZMA Dated 13.10.2011 requested the CESS to conduct an inspection of the site by experts and submit a report to KCZMA/KSCSTE.

All the 22 constructions referred by the Edavanakkad panchayat (Table 1) are located or proposed to be located in the CRZ. Among the above constructions 5 are along the sea coast and the remaining 17 are on the banks of backwater/kayal. Out of the 17 on the banks of backwater/kayal, 15 are on the banks of pokkali fields/filtration ponds. Out of these 22, one is a proposed 'workshop' building, another one is the reconstruction of an 'ayurveda medicine store'. Remaining 20 are for dwelling purposes, out of which 5 are for reconstruction, 14 are for new constructions and one is a completed building with a request for regularisation. The dwelling units are proposed to be constructed under various Government sponsored programmes including EMS Housing scheme. One of the constructions has been completed. Details are given in Table 1.

Location

The Edavanakkad Gramapanchayath is part of Vypeen island and is located in between Lakshadweep sea and Vembanad kayal/Thattappalli river in Ernakulam district. Canals such as Aniyil thodu, Pazhangad thodu, Chthangad thodu, etc and the backwater/ kayal divide the panchayat into many small islands. The area has a number of filtration ponds. The 22 buildings are located close to the sea, kayal or filtration ponds.

Island status of Edavanakkad

Edavanakkad is part of Vypeen island. The part of Edavanakkad panchayat where the referred constructions are located, are small islands bounded by backwater and canals. The narrow strip of seacoast forms a separate island extending north-south along the Vypeen island with sea on one side and kayal on the other three sides. The sea coast part of Edavanakkad Gramapanchayath is a barrier island.

CRZ status of the Constructions/proposed constructions

The backwater islands have a CRZ on the landward side as 50 m landward of HTL as per CRZ (2011) notification. The CRZ, except CRZ I and CRZ IV, in this panchayat is CRZ III. This 50 m CRZ is a No Development Zone (NDZ) in CRZ III. The waterbody (both filtration ponds and backwater) and the bed are CRZ IV (CRZ 2011). The CRZ landward of the HTL along the seacoast is 500 m landward of the HTL.

All the constructions/proposed constructions, except 4 numbers, are in the backwater islands. All these are within the 50 m CRZ which is a No Development Zone (NDZ) in CRZ III. The 4 constructions on the seaside are again in the 200 m No Development Zone in CRZ III.

Constructions other than dwelling units

There are 2 number of constructions/proposed constructions which are not for dwelling purposes. One (serial no. 7) is a proposed workshop and another (serial no. 16) is the renovation of an ayurvedic medicine store.

Dwelling units

The referred constructions/proposed constructions, except 2 numbers, are for dwelling purpose. Out of these 5 numbers (serial nos.6, 8, 9, 14 & 15 in Table 1) are renovations and the remaining are new constructions/proposed constructions. Renovations/repairs of dwelling units are permissible in CRZ.

During the discussions with the Panchayat authorities and the local people it was pointed out that Edavanakkad panchayat has extensive areas covered under filtration ponds and canals. The land area in the panchayat is mostly 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. Hence the community in the panchayat finds it very difficult to construct dwelling units and undertake other essential constructions for basic infrastructure development.

The various CRZ locations in Edavanakkad Gramapanchayat were visited and it was noted that more than 90% of the Panchayath is in the NDZ of CRZ III or on the banks of pokkali fields which is CRZ I. The land area exists as narrow strips of land/bunds between pokkali fields or backwaters. Hence the land usable for house and other constructions outside the NDZ of CRZ is limited. Almost all the houses in the panchayat are either in the NDZ of CRZ III or CRZ I adjoining filtration ponds. A big majority of the people depend on the resources of the region such as fisheries including pokkali prawn culture and agriculture in the pokkali fields which compels them to continue with the life style they have inherited. There is no other way for the local community of Edavanakkad panchayat but to construct houses in the NDZ of CRZ III or CRZ I.

The following suggestions are placed before the Kerala State Coastal Zone Management Authority/Science and Technology Department for its consideration for making it possible for the local communities of Edavanakkad and other similar Gramapanchayats to construct dwelling units and other essential basic requirements without causing major damages to coastal ecosystems and confining within the provisions of the CRZ Notification.

Findings and Recommendations

1. 5 numbers of constructions (serial nos.6, 8, 9, 14 & 15 in Table 1) are renovations of dwelling units in the NDZ of CRZ. These are permissible in CRZ.

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2. 2 numbers of constructions (serial nos.7 & 16 in Table I) are in the NDZ of CRZ for purposes other than dwelling units. These are not permissible in CRZ
3. Remaining 15 are new constructions/proposed constructions for dwelling purposes. It is informed by the panchayat that most of these are proposed to be constructed under various Government sponsored programmes including EMS Housing scheme, which could be considered for permission subject to conditions.
4. The fishermen community is one among the most marginalized groups in the State. Similar to tribals in the forest land, fisher community could be considered as tribals of the coastal zone. They do not normally possess land outside the CRZ. The local community may be permitted to construct dwelling units, subject to conditions, in the coastal zone itself including the No Development Zone of CRZ III. This is required for them to continue with their traditional fishing activities for livelihood earnings and forms part of their traditional rights.

The above report is prepared based on input from the field visit carried out by a team consisting of Mr. Raju D and Mr. Sriraj M K, Technical Officers, Marine sciences division, CESS. The team visited the sites on 25.10.2011.

Dr. K.V. Thomas
Scientist G and Head
Marine Science Division, CESS.

Encl: Table I



Handwritten: 5(a) 331/A3/12/KCZMA/S&T
->

Kerala State Council for Science, Technology and Environment

No.031/ENV/2012/CZMA

Dated: 20.11.2012

From

Joint Director
KSCSTE

To

The Secretary
S&T Department

Sir,

Sub: - Encroachment in Kadinamkulam Backwaters- violation of CRZ act - reg.

Ref: -. No. 331/A3/12/KCZMA/S&TD

With reference to the above, the site inspection report submitted by Dr. Kamalakshan Kokkal, Joint Director, KSCSTE and Dr. A. Ramachandran, KCZMA Member & Director School of Industrial Fisheries, CUSAT is enclosed herewith. This is for your kind information and necessary action.

Yours faithfully,

(Dr. Kamalakshan Kokkal)
Joint Director & Scientist E-II
For Member Secretary

Encl: as above

Site Inspection Report

Background

The Kerala Sasthra Sahithya Parishad has submitted a representation regarding illegal reclamation of wetlands in the Kadinamkulam area. The S&T Department has forwarded the representation to Kerala State Council for Science, Technology and Environment for a report after conducting field inspection. Accordingly a team comprising of Dr. Kamalakshan Kokkal and Dr. P. Harinarayanan was constituted for inspection. The team visited the sites on 30th March 2012 and submitted its report to S&T Department. The item was discussed in the 51st KCZMA meeting. KCZMA has constituted a subcommittee consists of Dr. A. Ramachandran, Member KCZMA, and Dr. Kamalakshan Kokkal from Environment Group of KSCSTE. The above subcommittee have made the site inspection in the area on 13th November 2012. The back files containing site plan & building plan and any court cases related to the item was requested from S&T Department. The details of site inspection are given below:

Observation

The team has visited the two sites where it is mentioned that illegal reclamation has been done.

Site I

The site belongs to Royal Blue Hotel Private Limited. A hotel building construction is almost completed in the area. It was informed that the Panchayath has issued building permit subject to condition that the provisions of CRZ should be followed. The construction has been initiated without obtaining CRZ clearance. As per the CRZ status report prepared by Centre for Earth Science Studies, the hotel building lies outside CRZ area. Physical measurement of the minute distance of the building from the Kayal was found to be at a distance of hardly 100m. A water body of about 30m x 15m in the CRZ area which is connected with the Kayal located in the property was found to be reclaimed recently amounting to violation of the provisions of CRZ Notification (Plate 1 & 2). An STP with a length of 7m is being constructed in the water ward side of the Royal Blue Star Hotel which lies well within the CRZ area. A swimming pool is also being constructed water ward side of the Hotel which lies in the CRZ area.

Violations:

1. Reclamation of water body in the land having 30m x 15m dimensions is the CRZ violation in the area.
2. Construction of STP in the CRZ area, i.e. within 100m without permission from KCZMA.
3. Construction of swimming pool in the CRZ area.

Site II

The site is Cheraman Thuruth of Kadinamkulam owned by Mr. Cletius Francis, Cliffy House, EMS Nagar, Patoor, Thiruvananthapuram. He has an area of 30 acres. The area is for developing a resort as per the caretaker who was present in the site during the inspection. The area is on the banks of Kadinamkulam kayal and there are canals connected to backwater to the land. The owner of land had constructed retaining walls and had reclaimed the backwater. An area inside the backwater has been encroached by construction of a wall using granite boulder and it is stated to be meant for boat landing. The water body in the area is CRZ IV and remaining 100m from High Tide Line or distance equivalent to the width are CRZ III, No Development Zone. (Plate 3-7). Nearly 1 km along the kayal border around the plot has been reclaimed.

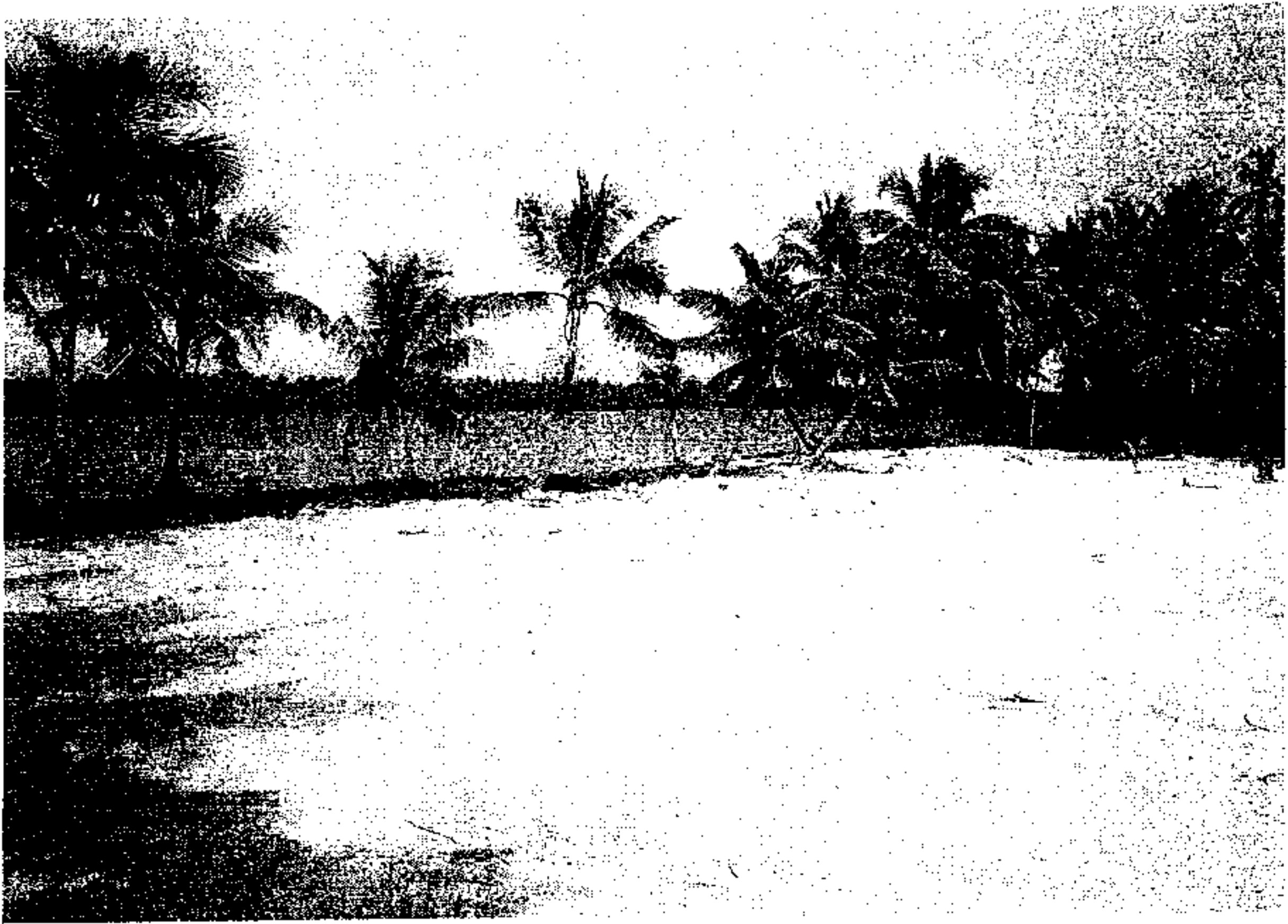


Plate 1: Reclaimed area (previously part of the backwater)



Plate 2: Reclaimed area and the construction of Hotel

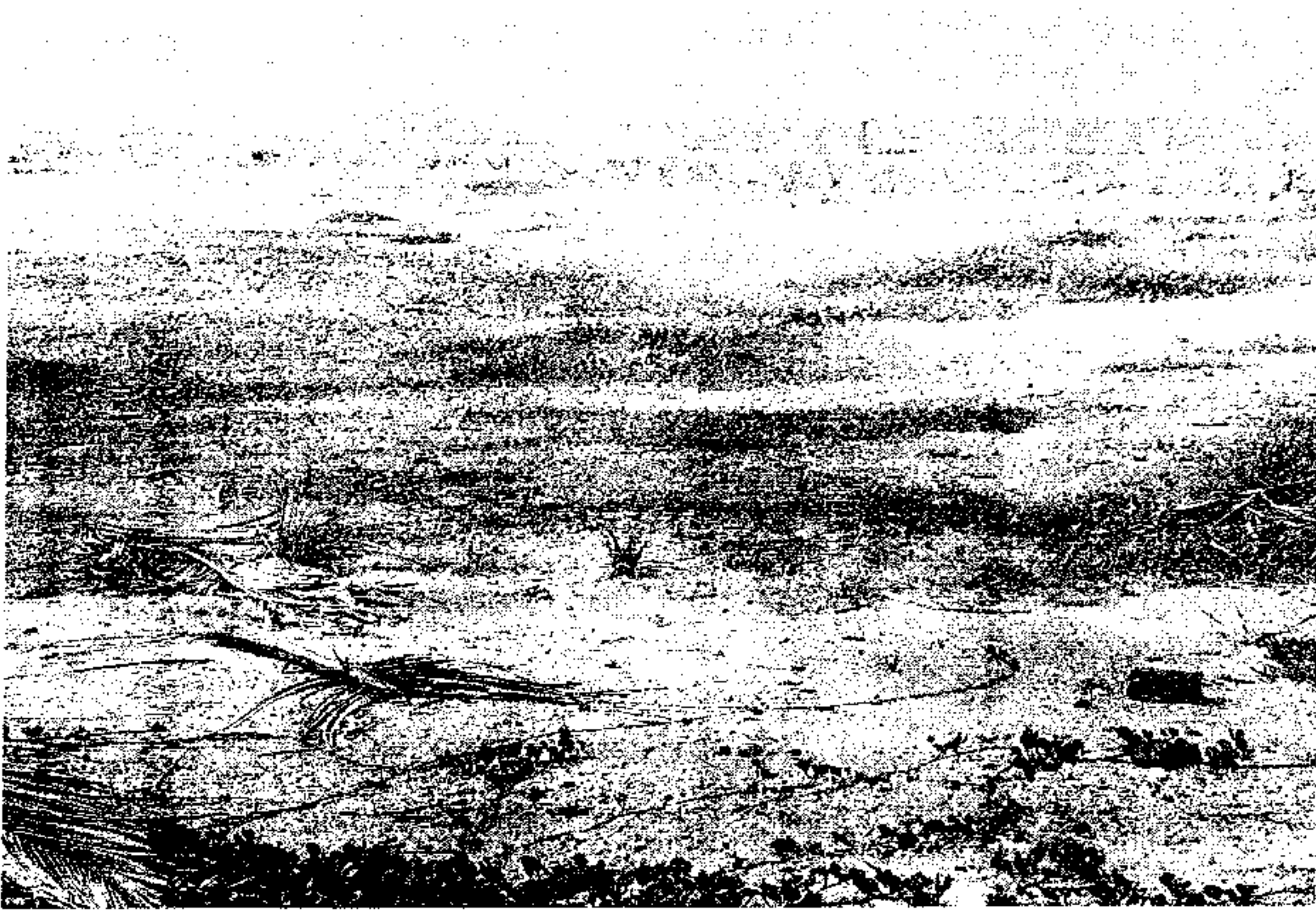


Plate 3: Reclaimed area



Plate 4: Encroachment into the Kayal



Plate 5: Separation of main kayal using soil bunds for encroachment



Plate 6: Initial stages of encroachment of kayal using soil bunds



Plate 7: Encroached kayal and constructing concrete walls

Conclusion

In both sites reclamations have been done by the respective owners. Reclamation is a prohibited activity as per CRZ Notification 2011 (clause 3 (IV)). The reclamation and construction of bunds made in kayal amounts to violation of provisions of CRZ Notification. Hence it is recommended that the Panchayath authorities may be directed not to issue building permit for the constructions made by violating provisions of CRZ Notification 2011 and actions may be initiated against violations made by the petitioner. The construction of STP in the CRZ area is permissible with the prior approval of KCZMA. As the project proponent didn't take such permission the above construction is violation of the provisions of CRZ notification. Construction of swimming pool in NDZ also amounts to violation. The large scale encroachment of kayal by constructing bunds made of boulders is a violation in the Cheramanthuruthu. Hence the committee observed that CRZ violations in the construction of swimming pool and STP in the resort premises in Kadimankulam and the encroachment of kayals by constructing bunds in the kayal at Cheramanthuruthu in Kadimankulam are violations of provisions of CRZ notification. The violation may be stopped by invoking the provisions of Environment Protection Act 1986.

Dr. Kamalakshan Kokkal

Joint Director

Dr. A. Ramchandran

KCZMA Member & Director, School
of Industrial Fisheries, CUSAT

Encl: as above

(Dr. Kamalakashan Kokkal)
Joint Director & Scientist E-II
For Member Secretary



Yours faithfully,

With reference to the above, the site inspection report prepared by Dr. K. Padmakumar, Member, KCZMA, Chairman Pollution Control Board & Dr. Kamalakashan Kokkal, Joint Director, KSCSTE and submitted by the Convenor of the committee is enclosed herewith. This is for your kind information and necessary action.

Ref: - 1. Proceedings No. 2287/A3/11/S&TD, dtd 24.11.2011
2. Order No. 1047/A3/12/KCZMA/S&TD, DTD 08.08.2012

Subj: - Kollam Corporation- CRZ clearance for construction of Sewage Treatment Plant at Kurecupuzha - reg.

Sir,

The Secretary
S&T Department

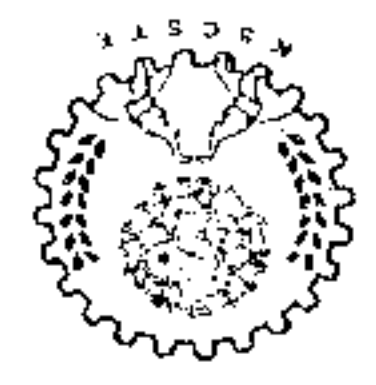
Joint Director
KSCSTE

From
To
02/01/2013

07/1/13

No.128/ENV/2012/CZMA

Dated: 02.01.2013



Kerala State Council for
Science, Technology and Environment

Answer - You by email

REPORT OF THE MONITORING COMMITTEE FOR SWM/SIP AT KUREPUDA, KOLLAM.

With reference Order No. 1047/A3/2012/KCZMA/S&TD, dt. 8.8.2012, the committee consisting of Dr. K. Padmakumar, member, KCZMA and Chairman, Pollution Control Board, represented by the Mr.K.K. Sai, Environmental Engineer, District Pollution Control Board, Kollam, and Dr.KamalakashanKokkal, Convenor, KSCST visited the SWM and SIP sites at Kurepuda, Kollam on 14.12.2012. The Secretary, Kollam Corporation and the officials of the KSUDP also accompanied the visiting monitoring committee. The committee inspected the present site of solid waste dumping and the proposed solid waste dump yard. The accumulated solid waste dumped in the CRZ area is still present there. The wastes dumped there are non-segregated. No effort is made from the part of Kollam Corporation to shift the same as directed by the Authority as per letter no. 1519/A3/KCZMA dt. 13.9.2011. It is also observed that most of the trees growing at the dump yard are already dead. During the course of the monitoring a group of public intervened and questioned the inaction from the part of the KCZMA and Kollam Corporation in shifting the waste dumped in the area violating the provisions in the CRZ. It is also observed that for the last six months the wastes are not being dumped in the present site due to the resistance from the part of the local residents. During the visit the committee couldn't observe any progress in the establishment of STP and SWM plant in the proposed area. The Kollam Corporation may be directed to remove the wastes from the CRZ area. It is suggested that the Government may be apprised of the necessity of educating the general public in a suitable manner of the benefit of such developmental programs before venturing in to it.

Dr. K. Padmakumar
Member

Chairman
Pollution Control Board

Dr. Kamalakashan Kokkal,
Convenor

Site Inspection Report on Ayurvedic Resort at Punnarur Village

Introduction:

Shri. A Abdul Rasheed, Rajah Manzil, Chavakkad, Thrissur has applied for regularising the construction made by him in survey No.47, 48, 49, 53 and 54 of village Punnarur, Thrissur District. The construction made for an Ayurvedic Resort. The 51st KCZMA had discussed the agenda in detail and it was decided to make a onsite inspection by a subcommittee with following members.

1. Dr. A Ramachandran, Member KCZMA

2. Shri. Baby John, Member KCZMA

3. Dr. P. Harinarayanan, Scientific Officer, KSCSTE

The committee made a visit to the site on 15-12-2012. The members interacted with the management and it was informed that the construction was done based on the No Objection Certificate received from the Local Panchayat. It was informed that after compilation only the Panchayat authorities has informed about the CRZ clearance.

Observations

The coast at Akalad is part of a more or less straight sandy coast extending from Chettuwa tidal inlet of Chettuwa river to the Veliyangod tidal inlet of Kanjiramukku river. Construction of resort building is completed in the area and tourists are been accommodated in the resort. The NOC submitted by the Panchayat was on 05-03-2005 and in the NOC it is clearly stated that Coastal area Protection Rules need to be followed. This has not been followed.

The Resort building and all other activities made after leaving 200m from the High Tide Line of sea. The construction is now made as per the conditions laid down in the notification.

1. Construction is beyond 200m from High Tide Line.

2. The total construction is less than 33% of the plot size.

3. The height of the building is less than 9 meters and only two floors is been made.

4. Permanent structures are not been erected within 200 zone.

5. Groundwater is at present tapped using filters from the area. As per the provisions of the notification ground water shall not be tapped within 200m of High Tide

Line; within 200-500m zone it can be tapped only with the concurrence of Central

or State Groundwater Board/Department. This has not been obtained.

6. Presently waste (liquid and solid) is taken out by outside agency for disposal.

- 225 -

10/12/2012

Amal Kumar

1) The construction work is initiated without obtaining the CRZ clearance. The action as per Office Memorandum No. J-11013/41/2006-1A.II(I) dated 16/11/2010 from Ministry of Environment and Forests (MoEF) need to be initiated.

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Dr. A Ramachandran
Member, KCZMA
sd

Dr. P. Harinarayanan
Scientific Officer
sd

Baby John
Member, KCZMA
sd

two weeks of the date of receipt of the application. applicable at the time the construction was effected within a period of appropriate orders thereon, in accordance with the notification 30.10.2012, the third respondent shall consider such application and Authority for permission. If a proper application is filed by permission. The petitioner shall approach the Coastal Zone Management least now, the petitioner may be directed to submit an application for The counsel for the Coastal Zone Management Authority submits that at plan to the Coastal Zone Management Authority, for prior permission. responsibility of the Corporation to have forwarded the petitioner's According to the counsel for the petitioner, it was the obtained before the commencement of the same. that no prior permission of the Coastal Zone Management Authority was The objection against the construction made by the petitioner is

O R D E R

the following:

1. Kozhikode Corporation, Corporation Office, Kozhikode-673 032, represented by its Secretary, Sastha Bhavan, Pattom, Thiruvananthapuram-695 004, Office and Technology & Environment Department, The Coastal Zone Management Authority (Kerala), 2. The Secretary, Kozhikode City Corporation, Kozhikode-673 001, represented by its Secretary, Penagon Builders, 6/160, Near Malabar Christian College, Kannur Road Kozhikode-673 001, represented by its Managing Partner, Respondents.

3. Kozhikode Corporation, Corporation Office, Kozhikode-673 032, represented by its Secretary, Sastha Bhavan, Pattom, Thiruvananthapuram-695 004, Office and Technology & Environment Department, The Coastal Zone Management Authority (Kerala), 2. The Secretary, Kozhikode City Corporation, Kozhikode-673 001, represented by its Secretary, Penagon Builders, 6/160, Near Malabar Christian College, Kannur Road Kozhikode-673 001, represented by its Managing Partner, Respondents.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation of Ext.P16 order issued by the respondent, pending disposal of the writ petition. This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/s V.M. Kurian, Mathew B. Kurian, N.T. Thomas, M. Krishnakumar, Advocates for the petitioner, Sri P.V. Surendranath, Advocate for P1 and P2, and of Sri Prakash C. Vadakkam, Advocate for P3, the court passed

1. Kozhikode Corporation, Corporation Office, Kozhikode-673 032, represented by its Secretary, Sastha Bhavan, Pattom, Thiruvananthapuram-695 004, Office and Technology & Environment Department, The Coastal Zone Management Authority (Kerala),
2. The Secretary, Kozhikode City Corporation, Kozhikode-673 001, represented by its Secretary, Penagon Builders, 6/160, Near Malabar Christian College, Kannur Road Kozhikode-673 001, represented by its Managing Partner,
- Respondents.

RESPONDENTS

Penagon Builders, 6/160, Near Malabar Christian College, Kannur Road Kozhikode-673 001, represented by its Managing Partner,

RESPONDENT

WP(C) No. 22854/2012(E)

on the 17th day of October 2012/25th Aswina 1934

THE HONORABLE MR. JUSTICE K. SURENDRA MOHAN

Present

IN THE HIGH COURT OF KERALA AT ERNAKULAM

File No. 1836/2012

Order

30.10.2012
 Assistant Educational Officer
 Kozhikode Rural, Pin-673003

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[Handwritten signature]

(true copy)

SRI K. SURENDRA MOHAN, JUDGE

06-12-2012

rate within a period of one month. hearing the petitioner also, as expeditiously as possible and at any accordance with law and to pass appropriate order thereon, after 3rd respondent to consider ^{the} application of the petitioner in In view of the above, there shall be an interim direction to the petitioner submits that such decision has already been taken.

corporation has to take appropriate decision. Counsel for the Rules, floor area ratio etc) are matters on which the 1st respondent that the questions regarding compliance with the Municipality Building time for the issue of such orders. It is also submitted by the counsel orders passed thereon, after hearing the petitioner also. He seeks the application submitted by the petitioner would be considered and The counsel for the Coastal Zone Management Authority submits that

G R D E R

SRI. PRAKASH C. VADAKKAM, Advocate for B3, the court passed the following: petitioner, SRI P. V. SURENDRAMATHI, Advocate for R1 and R2 and of MATHEW B. KURIAN, K. I. THOMAS, M. KRISHNAMANJAR, Advocates for the order dated 17.10.12 and upon hearing the arguments of M/S V.M. KURIAN, petition and the affidavit filed in support of W/C and this court's This petition again coming on for orders upon perusing the respondent, pending disposal of the writ petition.

pleased to stay the operation of Ex.110 order issued by the 1st stated in the affidavit filed along with the W/C) the High Court be Writ petition (civil) praying inter alia that in the circumstances

- 1. KOZHIKODE CORPORATION CORPORATION OFFICE, KOZHIKODE-673 022, REPRESENTED BY ITS SECRETARY,
- 2. THE SECRETARY, KOZHIKODE CITY CORPORATION, KOZHIKODE-673 001,
- 3. THE COASTAL ZONE MANAGEMENT AUTHORITY (KERALA), SCIENCE AND TECHNOLOGY & ENVIRONMENT DEPARTMENT, SASTHA BHAVAN, PALTON, THIRUVANANTHAPURAM-695 004, REPRESENTED BY ITS SECRETARY,

REPRESENTED BY

REPRESENTED BY ITS SECRETARY

REPRESENTED BY ITS SECRETARY

REPRESENTED BY ITS SECRETARY

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

Science & Technology (A) Department

Sasthra Bhavan, Pattom,

Thiruvananthapuram, Dated: 13.02.2013.

From

The Member Secretary, KCZMA.

To

Adv. Prakash . C. Vadakkan,

Vadakkan House,

Anthinadu P.O.,

Pala, Kottayam- 686 651.

Sir,

Sub:- S&T Department - KCZMA - WP(C) No. 22854/12 filed by Pentagon Builders, Kozhikode - Reg.

Ref:-1) Interim order dated, 06.12.2012.

2) KCZMA letter of even number dated, 20.12.2012.

3) KCZMA letter of even no. dt, 20.12.2012 addressed to Proponent.

I am directed to invite your attention to the first cited reference and to

inform you in continuation of the second cited reference that the proponent /

petitioner has not so far furnished proper application as per Para 4 and its Sub

clause.

An application has been received on 2nd February 2013, the same is

incomplete and lacks details. Copy of the Form-I indicating its defects is

enclosed. The Form lacks the following supporting documents.

1) CRZ map covering 7 km radius.

2) Disaster Management Plan.

3) Risk assessment report.

4) Certificate from the local authority indicating the approved FAR as on

1991 and reasons / authority upon which the FAR of the construction is

allowed if the construction has deviation from the FAR of 1991.

5) Revalidated consent from Pollution Control Board.

In the above said circumstances I am to request you to bring this to the

notice of the Hon'ble High Court and if necessary move for extension of time.

Encl:- 1. Form I (copy).

2. Copy of the 3rd cited reference.

Yours faithfully,



Dr. K.K. RAMACHANDRAN,

Member Secretary, KCZMA.

Copy to:- The Managing Partner,

Pentagon Builders, 6/160, Near Malabar Christian College,

Kannur Road, Kozhikode - 673 001.

BY SPEED POST

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19/1/2013

1. I.R. No. 2/2013

K. SURENDRA MOHAN
JUDGE

Hand over:

Sd/-

may be issued by the third respondent.

liberty to continue the construction subject to the orders that

Ext.P10 for a period of one month. The petitioner shall be at

In the above circumstance, there shall be an interim stay of

carry out any construction in view of Ext.P10 order.

one and a half months. The petitioner is not in a position to

this Court, the matter is kept pending for the past more than

requisite fee was submitted in compliance with the directions of

submits that though a proper application after payment of the

and communicated so far. The counsel for the petitioner

respondent, no decision as directed to be taken have been taken

Court have been properly communicated to the third

submits that though the interim orders already issued by this

The counsel for the Coastal Zone Management Authority

ORDER

Dated this 15th January, 2013.

WP(C).No.22854 of 2012.

K.SURENDRA MOHAN, J.

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14/1/2013

