

**GOVERNMENT OF KERALA**  
**SCIENCE AND TECHNOLOGY DEPARTMENT**

**Minutes of the 29<sup>th</sup> meeting of Kerala Coastal Zone Management  
Authority.**

**Date & Time** : 28<sup>th</sup> February, 2009 2.30PM

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

List of members present is given as Annexure I

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

**Agenda Item No.1**

**Confirmation of the Minutes of the 28<sup>th</sup> meeting of KCZMA.**

The authority confirmed the minutes of the 28<sup>th</sup> meeting of KCZMA.

**Agenda Item No.2**

**Action Taken Report**

The Authority noted the action taken on the decision of 28<sup>th</sup> meeting of KCZMA. It was also decided to take action on the violation reported at Item No.28.3.11 of the minutes for which the District Collector, Director of Panchayaths and the Panchayath concerned are to be addressed.

**Agenda item No.3**

**New proposals for consideration.**

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**Agenda Item No.29.3.1**  
**File No.2163/A2/08/S&TD**

**Establishment of Chitin Unit by M/s.A.S.Traders in CRZ area - Punnapra Grama Panchayath - reg.**

Secretary, Punnapra Grama Panchayath vide letter dated 11.11.2008 requested to issue CRZ clearance for establishing a Chitin Unit. The proposed industry is in No Development Zone of CRZ-III (within 200m from the High Tide Line). It is proposed to utilize the already existing building and no new construction is involved. As per the CRZ Notification 1991, industrial activities are prohibited in CRZ III.

***KCZMA examined the case in detail and rejected the proposal for the establishment of a Chitin Unit in No Development Zone of CRZ in Punnapra Grama Panchayath.***

**Agenda Item No.29.3.2**  
**File No. 2194/A2/08/S&TD**

**Construction of a building in CRZ area in Orumanayoor Grama Panchayat - Application of Smt. Femina Shamsuddin - reg**

Secretary, Orumanayoor Grama Panchayat has requested to clarify whether clearance may be issued to a building proposed to be constructed at 87 metre from the banks of a lake, where the width is more than 100m.

It is reported that the above proposal is a reconstruction in place of a two storied tiled house on the landward side into a concrete building. The inspection team has recommended to issue permission to the above subject to the following conditions :-

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1. The area of the new building should not be exceeding that of the existing house.
2. The old house must be demolished after completing the present construction.

***KCZMA discussed the matter in detail and decided to grant permission for the construction of building in Orumanayoor Grama Panchayath, with the above conditions.***

***Regarding reduction of No Development Zone to 40% on the banks of rivers, etc. as in the case of sea and constructions landward of the existing buildings in the No Development Zone of CRZ Area. KCZMA decided to await for the report of the Sub Committee constituted earlier.***

**Agenda Item No.29.3.3**

**File No.2294/A2/08/S&TD**

**Construction of building in CRZ area, Kadakkavur Grama panchayath-**

**Application of Shri.Abhimanyu & Smt.Saraswathy.**

The Secretary, Kadakkavur Grama Panchayath forwarded an application for the construction of a building in Kadakkavur Village by Shri.Abhimanyu and Smt.Saraswathy.

The area is surrounded by sea and backwater having tidal influence. The construction is in between 200-500m of High Tide Line of sea and within the No Development Zone of backwaters and landward of an existing building.

***KCZMA discussed the matter in detail and decided to refer the case to the subcommittee constituted vide G.O.(Rt)No.15/09/S&TD dated 3.2.2009 to examine as a general case and to submit report along with other similar cases.***

**Agenda Item No.29.3.4**

**File No.2435/A3/08/S&TD**

**Munniyur Grama Panchayath - reclassification of CRZ area - reg.**

Munniyur Grama Panchayath in Malappuram District is on the banks of Kadalundi river which joins the Lakshadweep Sea through the Kadalundi tidal

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inlet. The Secretary, Munniyur Grama Panchayath has informed that the bund/slucice at Manrattampara in Munniyur Panchayath was constructed across Kadalundi river in 1958 to prevent salinity intrusion further upstream. Hence it was requested to reassess the CRZ area considering the salinity upstream of Mannattampara sluice/bund.

As per the study report of CESS, the salinity in the upstream of Mannattampara bund/slucice is below 5ppt.

***KCZMA discussed the matter in detail and decided to recommend and forward the case excluding Munniyur Grama panchayat upstream of Mannattampara Sluice/bund from CRZ to the Ministry of Environment and Forests, Government of India.***

**Agenda item No.29.3.5**

**File No.39/A3/09/S&TD.**

**Thalassery Municipality - Victoria Hotel Building construction (additional) in Ward No.50 - CRZ clearance - reg.**

In connection with a petition under Information Act, a field inspection was conducted at Thalassery on 17.11.2008 for identifying the violation of CRZ Notification taking place at Victoria Hotel, as per G.O.(Rt)No.111/08/S&TD dated 14.11.2008. Since prior permission of KCZMA was not sought for the reconstruction taking place in the area, it was directed to furnish new proposal before the KCZMA.

Later the Secretary, Thalassery Municipality forwarded the proposal for the reconstruction of Victoria Hotel in Ward 50 for CRZ clearance. The site lies in CRZ II. The reconstruction is on the landward side of the existing building which is authorized.

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**KCZMA discussed the matter in detail and decided to issue CRZ clearance subject to the following conditions:**

- i) The construction of the structures, if any, may be undertaken as per the plans approved by the concerned local authorities, in conformity with the existing local and central rules and regulations including the provisions of CRZ notification.**
- ii) All safety norms would be ensured and proper arrangements may be made for providing fire extinguishers and other equipments as per the relevant regulations/guidelines of the state/central authorities.**
- iii) Untreated effluents and sewages should not be discharged into the sea. Proper drainage facilities shall be provided.**
- iv) Construction of the structures shall be in conformity with the existing local architectural style and rules.**
- v) All safety norms should be followed.**
- vi) No activity prohibited as per CRZ Notification 1991 and subsequent amendments should be done in the CRZ area.**
- vii) No construction shall be undertaken on the seaward to the existing structure.**
- viii) Project proponent should provide necessary facilities for the officials of CZMA for the inspection of the project site and its premises at any time.**
- ix) Adequate scrutiny fee should be remitted.**
- x) All construction should be on the landward side of the existing building.**
- xi) All other relevant rules as per CRZ Notification should be followed strictly.**

**Agenda item No.29.3.6**

**File No.248/A2/09/S&TD**

**Construction of houses in No Development Zone of CRZ area under EMS**

**Housing Scheme - Punnapra Grama Panchayath - reg.**

President, Punnapra South Grama Panchayath forwarded a proposal for the construction of houses within the No Development Zone of CRZ under EMS Housing Scheme, for people who have no other land outside this area.

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***KCZMA discussed the matter in detail and decided to recommend the case to Ministry of Environment and Forests, Government of India, as a special case.***

**Agenda Item No.29.3.7**

**File No.265/A2/09/S&TD**

**Vechoor Grama Panchayath-Request for exemption from CRZ Notification-reg.**

President, Vechoor Grama Panchayath, Kottayam requested to issue CRZ clearance for the houses constructed at 50-80m on the banks of Kayal, and for the reconstructions in the area. These dwelling units are proposed to be made on the banks of Vembanadu backwaters.

***KCZMA discussed the matter in detail and decided to give sanction to the repairs of existing buildings and to obtain separate individual application for new constructions.***

**Agenda Item No.29.3.8**

**File No.267/A2/09/S&TD**

**Construction of house in CRZ area Perinad Grama Panchayath -**

**Application of Smt.Jayasree - reg.**

Smt.Jayasree.C., Ajesh Bhavanam, Vellimon, Kollam submitted an application for issuing CRZ clearance for the construction of a dwelling house in Perinad Grama Panchayath under I.A.Y Scheme. The construction is at a distance of 70m from the High Tide Line of backwater, The plinth area of the building is 49.5m<sup>2</sup>.

***KCZMA discussed the matter in detail and decided to recommend the case to Ministry of Environment and Forests, Government of India.***

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**Agenda Item No.29.3.9**

**File No.269/A2/09/S&TD.**

**Construction of Police Quarters in Vizhinjam Grama Panchayath.**

The Secretary, Vizhinjam Grama panchayath forwarded the application for the construction of a Police Quarters in Vizhinjam Grama Panchayath. The proposed construction lies in between 200-500m from High Tide Line of sea. As per CRZ Notification 1991, construction of dwelling units between 200-500m of High tide Line is permitted as long as it is within the ambit of traditional rights and customary use such as existing fishing villages and goathans.

***KCZMA discussed the case in detail and rejected the same.***

***It was also decided to inform the Home Department that as per the recent Government of India directions CRZ clearance is needed for Coastal Police Station.***

**Agenda Item No.29.3.10**

**File No.277/A2/09/S&TD.**

**Compliance of judgment - Authorizing Chairman, KCZMA to conduct hearings on behalf of KCZMA-reg.**

It is seen that a large number of Writ Petitions are being filed arraying Chairman, KCZMA/Principal Secretary, S&TD/Member Secretary, KCZMA as respondents. In most cases, the Hon'ble High Court issue orders directing the Authority to take decisions after conducting a hearing. The Chairman himself used to conduct hearings and dispose the cases. But some petitioners approached the Hon'ble Court to quash the orders issued by the Authority on the reason that hearing was conducted by the Chairman alone and not by the authority.

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***KCZMA discussed the matter in detail and decided to authorize the Chairman, KCZMA to conduct hearing and to place the report before the Authority for decision.***

**Agenda Item No.29.3.11**

**File No.310/A2/09/S&TD**

**Kottuvally Grama Panchayath – issuance of building numbers in CRZ area-  
request from Secretary, Kottuvally Grama Panchayath – reg.**

Secretary, Kottuvally Grama Panchayath requested to grant permission to issue building numbers, to the buildings constructed ~~in~~ violation to CRZ norms, for preparing voters list.

***KCZMA discussed the matter in detail and decided to inform the Grama Panchayath that issuance of temporary numbers for electoral purposes doesn't come under the purview of KCZMA.***

**Agenda Item No.29.3.12**

**File No.355/A2/09/S&TD**

**Matsyafed - TRP Establishment of Fish meal Plant-CRZ clearance -reg.**

Managing Director, Matsyafed vide letter dated 28.1.2009 requested to issue CRZ clearance for the establishment of fish meal plant at Valiyazheeckal in Aarattupuzha Grama Panchayath under TRP. The identified land is in Sy.No. 196/9, 197/2, 197/3 and 195/9-B in Aarattupuzha Grama Panchayath. As per the CRZ Notification 1991, setting up of industry except those directly related to waterfront or directly requiring foreshore facilities are prohibited in CRZ area.

***KCZMA discussed the matter in detail and decided to recommend and forward the case to Government of India. Since 100% of the area is CRZ, the scheme is under TRP and it is carried out by a fishermen co-operative.***

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**Agenda Item No.29.3.13**

**File No.181/A2/09/S&TD**

**Interim Order dated 13.2.2009 in WP(C)No.12968/08.**

Shri.Reghu Madathil, Madathil House, Parimanam, Neendakara submitted an application for the construction of a Hotel Building in Sy.No.22/110-4 of Neendakara Grama Panchayath stating that the construction is beyond 100m from the backwater suppressing the fact that it is in CRZ. On enquiry it is found that the construction is within the No Development Zone of sea coast. KCZMA had issued stop notice and the Panchayath denied door number. WP(C)No.26887/07 has been filed against the decision taken by the KCZMA and Panchayath.

The Hon'ble High Court in its judgment dated 30.11.2007 directed KCZMA to take decision on Ext.P3 order issued by the Secretary, Neendakara Grama Panchayath, after hearing the petitioner and additional 5<sup>th</sup> respondent.

In obedience to the direction of the Hon'ble High Court, KCZMA examined the case in detail. A hearing was also conducted.

It is seen that construction made by the petitioner in the Writ Petition has violated the provisions of CRZ Notification 1991, by suppressing facts and constructing building in the No Development Zone of CRZ area without prior approval of the KCZMA/Ministry of Environment and Forests, Government of India. District Collector, Kollam, and Secretary, Neendakara Grama Panchayath were directed to take appropriate action as per CRZ rules against the unauthorized construction vide G.O.(Rt)29/08/S&TD dated 17.1.2008.

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Aggrieved by this, the petitioner again approached the Court and filed WP(C)No.12968/08. The Hon'ble High Court in the order dated 13.2.2009 directed the second respondent namely KCZMA to hear the petitioner and 9<sup>th</sup> respondent on 28.2.2009.

In obedience to the direction of the Hon'ble Court the KCZMA heard Shri.V.Philip Mathews, Advocate for the petitioner, Shri.K.P.Jayakumar, Power of Attorney Holder, Shri.Sathyananda Pillai, Advocate for Shri.Vikrama Kumar(9<sup>th</sup> respondent) and Shri.V.Venugopal, Counsel for the Neendakara Grama Panchayath(1<sup>st</sup> respondent) on 28.2.2009.

The Counsel for the Panchayat stated that Panchayat had earlier issued a conditional No Objection Certificate to the petitioner stating that the construction should be in conformity with CRZ rules. Eventhough the petitioner originally applied for construction of a three storied building, he had constructed a six storied building. His application for running a hotel was rejected by the Panchayat. Subsequently, the LSG Dept. asked to give permission, since the construction was beyond 100m from the High Tide Line(HTL) of Kayal, but no reference was made about the sea. The Counsel for Panchayat stated that the construction is a clear violation of CRZ rules.

The Counsel for the 9<sup>th</sup> respondent referred to a statement submitted on the earlier occasion. He stated that NOC for construction of buildings in such cases is to be obtained from the CZMA, but in this case, this is not seen done. The site in question is only about 150m from the sea, but in the site plan proximity of sea is not shown. The Counsel stated that construction is a clear violation of the CRZ rules.

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The Counsel for Shri.Madathil Reghu, the petitioner stated that in the East of the property lies the Ashtamudi Lake, in the West side there is a road and some institutions including a Government Hospital. Therefore the area is not closely near the sea which is less than 200m away. While submitting the application for starting a hotel, the presence of sea was therefore not mentioned, but the Kayal which is adjacent to the property alone was mentioned. The application was submitted to LSG Dept. through the Panchayat and permission was obtained subject to observance of conditions relating to Panchyathi Raj and CRZ Regulations. The Counsel further stated that the area is not CRZ, because it is not influenced by tidal action. The Low Tide Line(LTL) is not clear and the HTL not properly marked as per rules. The counsel also referred to the decisions of the Hon'ble High Court in Lake Shore case and Goshree Islands case. It is also stated that even if the area is CRZ, it is in CRZ-II and no construction is permissible other than for specifically defined purposes. Referring to a decision of the Hon'ble Supreme Court, the Counsel requested to permit the petitioner to start the activities at the builder's risk.

KCZMA considered the whole case with reference to the CRZ rules and the averments made during the hearing. As per the CRZ Notification, 1991, coastal stretches of seas, bays, etc. which are influenced by tidal action(in the landward side) upto 500m from HTL are considered as CRZ. The construction is made in the coastal stretch of Neendakara Panchayat which comes under CRZ-III as per the CZMP approved by Ministry of Environment and Forests, Govt. of India. As per CRZ rules, prior approval of the CZMA is to be obtained before the construction of buildings in CRZ area. In this case, the petitioner has violated this provision. The facts and circumstances of the Lake Shore

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case relates to land reclamation, applicability of CRZ norms where manmade Canals exists, etc. and so this has no bearing on the petitioner's case.

As per the CRZ Notification 1991, construction of schools, public rain shelters, dispensaries, roads and bridges, water supply, drainage, sewerage for local inhabitants is permissible. In CRZ, an advanced centre for learning like a School of Hotel management will not be permissible as it cannot be considered as a basic facility for local inhabitants.

The KCZMA noted that the construction in question is in No Development Zone of CRZ III and without obtaining prior approval from the KCZMA/MoEF. Besides, the petitioner also suppressed relevant facts. The construction is violative of the provisions of CRZ Notification 1991, and therefore is not entitled to receive CRZ clearance. The request for CRZ clearance in this case is declined and as already ordered in G.O.(Rt)29/08/S&TD dated 17.3.2008, the district Collector, Kollam and the Secretary, Neendakara Grama Panchayath will take appropriate action under CRZ Rules against the unauthorized construction.

**Agenda item No.29.3.14**

**File No.377/A3/09/S&TD**

**Construction of School building – Kadalundi Grama Panchayath –**

**Request for CRZ clearance – reg.**

Secretary, Kadalundi Grama Panchayath has forwarded an application for CRZ clearance for the construction of a building in Re.Sy.No.138/10,

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139/1,2, 140/4 in the Crescent Public School Compound, Chaliyam. The proposed site belongs to CRZ III area. It is in between 200-500m of High Tide Line of sea. As per the CRZ Notification 1991, construction of school building for local inhabitants is permissible in the above area.

**KCZMA discussed the matter in detail and decided to issue CRZ clearance for construction of Library building subject to the following conditions:**

- i) The construction of structures, if any, may be undertaken as per the plans approved by the concerned local authorities, in conformity with the existing local and central rules and regulations including the provisions of CRZ Notification.**
- ii) The overall height of construction shall not exceed 9m and construction shall not be more than two floors.**
- iii) There must not be a change in the purpose, If the building is found used for any purpose other than school for the local community or any other violation of CRZ norms the permission will be summarily withdrawn and appropriate action will be initiated.**

**Agenda Item No.29.3.15**

**File No.1764/A2/08/S&TD**

**CRZ Status of Sy.No.619/5 in Azhikode South Village – Construction of building - reg.**

Application for CRZ clearance for the construction of a building in Re.Sy.No.619/5 was received earlier and the case was discussed in the 26<sup>th</sup> meeting of KCZMA. The exact distance from the High Tide Line could not be determined due to the peculiar nature of the location and its topography. Hence the Authority decided to direct, the Director, CESS to take the correct measurement in the above case.

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***KCZMA discussed the matter in detail and decided to await decision from Ministry of Environment and Forests regarding granting exception to local inhabitants.***

**Agenda item No.29.3.16**

**File No.382/A2/09/S&TD**

**Matsyafed – MPEDA assisted Community Peeling Centre at Sakthikulangara Harbour – CRZ clearance – request – reg.**

Managing Director, Matsyafed submitted the proposal for the establishment of a Community Peeling Centre at Sakthikulangara Harbour, Kollam for CRZ clearance. As per CRZ Notification 1991, setting up and expansion of fish processing units including warehousing is a prohibited activity.

***KCZMA discussed the matter in detail and decided to direct Managing Director, Matsyafed for a presentation in the next meeting.***

**Agenda item No.29.3.17**

**File No.212/A3/09/S&TD**

**TRP -Construction of houses in Beypore, Kozhikode –CRZ clearance - request –reg.**

The Principal Secretary to Government, Disaster Management Department has proposed a housing project comprising 53 independent houses in Beypore, Kozhikode. The project is situated at a distance of 110m –160m from the High Tide Line in 6.5 acres of Govt.land.

***KCZMA deferred the case for detailed discussion.***

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**Outside Agenda**

Dr.B.Madhusoodana Kurup, Member, KCZMA presented the issue of identification of the areas of outstanding beauty as referred in Kerala Coastal Zone Management Plan. He has suggested that those areas have to be demarcated properly in the plan. The Authority discussed the case in detail and decided to constitute a subcommittee for the purpose. The Chairman, KCZMA was authorized to nominate the members.

The meeting came to an end at 5.00PM

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**Annexure-I**

**Kerala Coastal Zone Management Authority – 29<sup>th</sup> Meeting at 2.30PM on  
28.2.2009.**

**Present:**

1. Dr.E.P.Yesodharan, Chairman, KCZMA.
2. Prof.(Dr.)N.R.Menon, Member, CUSAT
3. Prof.B.Madhusoodana Kurup, CUSAT.
4. Dr.M.Baba, Director, CESS.
5. Smt.J.Mercykutty Amma, Member.
6. Sri.B.Surendran, Additional Secretary, Environment Department.  
Thiruvananthapuram.
7. Shri.K.Radhakrishnan, Additional Secretary, Fisheries & Ports Department.
8. Smt.V.C.Omana, Deputy Secretary, Local Self Government Department.
9. Smt.Lovely.V.T., Environmental Engineer, KSPCB(representing Chairman,  
KSPCB)
10. Shri.Rajesh.P.N. Town Planner, Thiruvananthapuram.
11. Dr G.Muraleedhara Kurup, Member Secretary.

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