

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

57th MEETING

Agenda & Notes

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

Date : 2.00 P.M on 24th, JUNE 2013

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

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

57th MEETING

Date & Time	Venue
24 th , JUNE 2013 2.00 P.M	Sasthra Bhavan Pattom, Thiruvananthapuram

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Agenda Item No.57.1

Confirmation of the Minutes of the 56th meeting held on 20.05.2013

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

Agenda Item No.57.2Action Taken Report (54th meeting held on 15.04.2013)

Agenda Item No.	File No.	Subject and Decision	Action Taken
54.3.1	01/A2/2013/ KCZMA/S&TD	Sub:- Construction of Gabions, food court, foyer, Walkway etc. Decision:- The authority discussed the matter in detail and decided to permit the construction of community toilets, seating benches and rain shelters in the area. Construction of facilities like, food court and pavilion cannot be permitted.	Decision communicated on 27.05.2013
54.3.2	13/A3/2013/ KCZMA/S&TD	Sub:- Construction of Residential building of Shri.Shaji.M.P, Maniparambil, Ambika Market.P.O, Vaikom, Kottayam. Decision:- The KCZMA considered the request and decided to permit construction.	Decision communicated on 13.05.2013
54.3.3	56/A2/2013/ KCZMA/S&TD	Sub:- Construction of building by Smt. K. Sujatha, Ayilyam, Kochi Decision:- The KCZMA considered the request and decided to decline permission for the construction as it falls in the No Development Zone.	Decision communicated vide letter dated 15.05.2013
54.3.4	208/A2/2011/ KCZMA/S&TD	Sub:- Construction of Houses under Government Housing Scheme, Edavanakkad Grama Panchayath, Ernakulam Decision:- The committee considered the site inspection report and decided to constitute a committee consisting of Dr. A Ramachandran, Member, KCZMA and Dr. Kamalakshan Kokkal, Head, Coastal and Environment Division, KSCSTE to verify and report in next meeting.	Subcommittee constituted.
54.3.5	331/A3/2012/ KCZMA/S&TD	Sub:- Site Inspection Report on construction of retaining walls along Kadinamkulam kayal in Cheramanthuruth and reclamation for the construction of a resort.	Direction given to the District Collector on 15.05.2013

		Decision:- The KCZMA discussed the report in detail and accepted its recommendations. The District Collector shall be directed to initiate action against the reclamation and constructions as per Section of 5 of EP Act 1986.	
54.3.6	1047/A3/2012 /KCZMA/S&TD	Sub:- Report of the Monitoring Committee for SWM / STP at Kureepuzha, Kollam. Decision:- The Committee discussed the report in detail and decided to direct the Kollam Corporation to take appropriate steps to remove the waste dumped in the CRZ area. It was also decided to sensitize the public on CRZ by conducting awareness campaign with the help of NGOs.	Direction given to the Secretary, Kollam Corporation on 17.05.2013
54.3.7	1051/A2/2010 /KCZMA/S&TD	Sub:- Construction of Ayurvedic Resort at Punnayur Grama Panchayath, Thrissur by M/s. Rajah Islands. Decision:- The KCZMA discussed the report and in the light of the construction being initiated without obtaining CRZ clearance, the construction amounts to violation. Hence, KCZMA decided to forward the proposal to the MoEF to consider in accordance with the Office Memorandum issued by MoEF No. J-11013/41/2006-IA.II(I) dated 12-12-2012.	Proposal forwarded to MoEF on 29.05.2013
54.3.8	1209/A2/2012 /KCZMA/S&TD	Sub:- Construction of Telecommunication Tower by M/s. Indus Tower Ltd. at Parappanangadi Grama Panchayath. Decision:- The proposal was discussed in the KCZMA and decided to permit the construction of Telecommunication Tower subject to other statutory sanctions and guidelines as applicable.	Letter issued to the Secretary, Parappanangadi Grama Panchayath on 17.05.2013
54.3.9	1819/A3/2012 /KCZMA/S&TD	Sub:- Construction of Additional Block for Girls Hostel at IHMCT, Kovalam. Decision:- The KCZMA discussed the proposal and decided to permit the construction of additional block for Girls Hostel at IHMCT, Kovalam	Decision communicated on 13.05.2013

		with a plinth area of 376m ² .	
54.3.10	1836/A2/2012 /KCZMA/S&TD	Sub:- Building constructed in Calicut Corporation area - M/s. Pentagon Builders. Decision:- The KCZMA discussed the case in detail and decided to reject the application for CRZ clearance as the same is incomplete. Further, it was decided that the FAR violations cannot be condoned. The District Collector Kozhikode, Secretary Kozhikode Corporation and Secretary LSGD are to be informed about the decision.	Decision communicated on 15.05.2013.
54.3.11	1916/A3/2012 /KCZMA/S&TD	Sub:- Construction of Prayer Hall (Bajanamandapam) by M/s. Panathura Subramanya Swami Temple. Decision:- The proposal was discussed in the KCZMA and decided to not to permit the construction of Prayer Hall (Bajanamandapam) by M/s. Panathura Subramanya Swami Temple as construction of Prayer Hall is not listed in Clause I III A (iii) as per CRZ Notification 2011.	Decision communicated on 13.05.2013
54.3.12	1954/A2/2012 /KCZMA/S&TD	Sub:- Construction of Net Weaving yard, Kozhikode Corporation. Decision:- The KCZMA discussed the proposal and decided to permit the construction of Infrastructure for Net weaving yard in Puthiyakadavu Slum within Kozhikode Corporation as this is a basic facility required for the fishing community and permissible as per CRZ Notification 2011. Moreover the construction is landward of existing authorized road in CRZ II area.	Decision communicated on 16.05.2013
54.3.13	1956/A2/2012 /KCZMA/S&TD	Sub:- Construction of Residential Building by Sri. Amrutha Raj.K.P, Cherukunnu Grama Panchayath, Kannur. Decision:- After detailed discussion on the request for regularization of	Decision communicated on 15.05.2013

		the construction of a residential building by Sri. Amrutha Raj.K.P, Cherukunnu Grama Panchayath, Kannur, the KCZMA decided to write to the Secretary of the local body to verify whether the proponent belongs to the traditional community in the area.	
54.3.14	1990/A2/2012 /KCZMA/S&TD	<p>Sub:- Construction of building, Canopy and Storage tank for Petrol Pump by Smt. Shylaja.G, Udma Grama Panchayath, Kasargod.</p> <p>Decision:- The KCZMA discussed the proposal and decided to permit the construction of building, Canopy and Storage tank for Petrol Pump by Smt. Shylaja.G, Udma Grama Panchayath, Kasargod allotted for both as marine outlet and for motors, subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by MoEF.</p>	Decision Communicated on 15.06.2013
54.3.15	2001/A2/2012 /KCZMA/S&TD	<p>Sub:- Construction of comfort Station in New Mahe Grama Panchayat.</p> <p>Decision:- The KCZMA discussed and decided to permit the construction of Comfort Station building with plinth area of 33.44m² as community toilets are permissible in CRZ III No Development Zone as per CRZ notification 2011, clause 8 III A (iii) j.</p>	Decision communicated on 21.05.2013
54.3.16	2093/A3/2012 /KCZMA/S&TD	<p>Sub:- Reconstruction of building for Anganvadi at Panayam Grama Panchayath, Kollam.</p> <p>Decision:- The KCZMA discussed and decided to permit the reconstruction of building for Anganvadi with a plinth area of</p>	Decision communicated on 13.05.2013

		36.53m ² as constructions of schools of which are required for the traditional communities can be permitted in No Development Zone of CRZ III as per CRZ Notification 2011 Clause 8 III A (iii)j.	
54.3.17	2153/A3/2012 /KCZMA/S&TD	Sub:- Construction of Residential Building by Smt. Chithralekha, Arookuty.P.O, Cherthala, Alappuzha. Decision:- The KCZMA discussed and decided to permit the construction of residential building 105.02m ² , Two Floors, Height 6.59m in Sy. No. 215/1-6, 1.92 Are of Arookuty, Cherthala, by Smt. Chithralekha, Padinjare Mattel, Arookuty.P.O, Cherthala, Alappuzha.	Decision communicated on 13.05.2013
54.3.18	2157/A2/2012 /KCZMA/S&TD	Sub:- Construction of Building for Buds School by Madayi Grama Panchayath, Kannur. Decision:- The KCZMA discussed and decided to permit the construction of building for Buds School with plinth area of 168.71m ² , height 5m, single floor in Re-Sy. No. 238/2 of Madayi Village by 120m from HTL of sea. The area is No Development Zone of CRZ III, as construction of Schools for the local inhabitants can be permitted in the No Development Zone of CRZ III, as per CRZ Notification 2011, Clause 8 III (iii) j.	Decision communicated on 17.06.2013
54.3.19	2189/A3/2012 /KCZMA/S&TD	Sub:- Construction of Residential Building by Smt.R.Radha, Madhavapuram, Titanium.P.O, Thiruvananthapuram. Decision:- The KCZMA discussed and decided to permit the Construction of Residential Bldg by Smt.R.Radha, Madhavapuram, Titanium.P.O, Trivandrum with plinth area of 43.97m ² , FAR 0.36 in Sy. No. 1903/17-14 of Pettah Village wards 34 of Thiruvananthapuram Corporation as the construction is landward of	Decision communicated on 13.05.2013.

		existing authorized buildings.	
54.3.20	2271/A2/2012 /KCZMA/S&TD	Sub:- Construction of Residential Building by Sri.Velayudan.C.K & Smt.Thankamma.C.K, Ariyallur.P.O, Malappuram. Decision:- The KCZMA discussed and decided to permit the Construction of Residential Building by Sri.Velayudan.C.K & Smt.Thankamma.C.K, Ariyallur.P.O, Malappuram in Re. Sy. No. 130/6, Ward 19 of Ariyallur Village, as they belong to traditional community living in the area.	Decision communicated on 27.05.2013.
54.3.21	2289/A3/2012 /KCZMA/S&TD	Sub:- Construction of Residential Building by Sri.Christyboy.G, Job Nivas, Panayam Village, Kollam. Decision:- The KCZMA discussed and decided to permit regularisation of the Construction of Residential Building by Sri. Christyboy, Job Nivas, Panayam, Kollam in Re-Survey No. 67/3-2, 3.64 cents of Panayam Village, Kollam as the construction is made on an elevated area.	Decision communicated on 13.05.2013.
54.3.22	1941/A3/2011 /KCZMA/S&TD	Sub:- CRZ Clearance for the construction of Cement Brick making unit by Smt.V.Vasantha, Attingal Municipality. Decision:- The KCZMA discussed and decided to reject the proposal for the construction of Cement Brick making unit by Smt.V.Vasantha, Attingal Municipality.	Decision communicated on 13.05.2013.
54.4.1	515/A2/2013/ KCZMA/S&TD	Sub:- Construction of Desalination Plant by Station Commander, DSC Centre, Kannur. Decision:- The KCZMA discussed this issue in detail due to urgency requested by the Station Commandant and decided to permit the desalination plant as it is permissible as per CRZ Notification 2011 Clause 8.II(v). The CRZ Clearance will be with the following conditions to be specified in the Clearance letter for strict compliance by the project	Scrutiny fee pending

Agenda Item No.57.3

Action Taken Report (55th meeting held on 06.05.2013)

Agenda Item No.	File No.	Subject and Decision	Action Taken
55.2.1	96/A2/2013/ KCZMA/S&TD	<p>Sub:- Nayarambalam Grama Panchayath construction of seed store - Application of Sri. Syamsundar.</p> <p>Decision:- The KCZMA discussed the proposal and decided that since the area comes in the NDZ of CRZ - III a site visit is essential and team shall constituted including an official from the Fisheries Department.</p>	Panel of experts called for from Fisheries Department
55.2.2	30/A3/2013/ KCZMA/S&TD	<p>Sub:- Construction of Smrithi Mandapam for Peruman Disaster by Panayam Grama Panchayat, Kollam</p> <p>Decision:- The KCZMA discussed the proposal and decided to permit the construction of Smrithi Mandapam for Peruman Disaster by Panayam Grama Panchayat, Kollam.</p>	Decision communicated on 24.05.2013
55.2.3	1798/A2/2012 /KCZMA/S&TD	<p>Sub:- Re-construction of Residential building by Smt. Jaseela, Valappattanam Grama Panchayath, Kannur.</p> <p>Decision:- The KCZMA had discussed the proposal and decided to issue CRZ clearance for the reconstruction of the residential building subject to condition that the reconstruction shall not exceed the plinth area (168m²), FSI and density of the building that existed.</p>	Decision communicated on 6.06.2013
55.2.4	2003/A3/2012 /KCZMA/S&TD	<p>Sub:- Construction of Dwelling Unit by Shri.Prasad, Vettikappally, Ambika Market.P.O, Vaikom, Kottayam</p> <p>Decision:- KCZMA discussed the proposal and decided to issue CRZ clearance for the construction of the dwelling unit with a plinth area of 53.95m² by Shri. Prasad,</p>	Decision communicated on 29.05.2013

55.2.18	375/A2/2013/ KCZMA/S&TD	<p>Sub:- Construction of Residential Building by Sri. Abdul Rasheed N.P, Palakkottu.P.O, Ramanthali, Kannur</p> <p>Decision:- The KCZMA discussed the proposal and decided to grant CRZ clearance for the construction of Residential Building by Sri. Abdul Rasheed.N.P. Palakkottu P.O., Ramanthali, Kannur.</p>	Decision communicated on 06.06.2013
55.2.19	1548/A2/2012 /KCZMA/S&TD	<p>Sub:- Construction of Building for Armed Forces Tribunal.</p> <p>Decision:- The KCZMA discussed the proposal and decided not grant clearance for the part of the construction that is within the NDZ of CRZ-III.</p>	Decision communicated on 6.6.2013
55.2.20	473/A3/2013/ KCZMA/S&TD	<p>Sub:- Construction of Residential Building by Smt. Sreeja S, Karakkattu Veedu, Koduvilla P.O, Kizhakkekallada, Kollam.</p> <p>Decision:- The KCZMA discussed the proposal and decided not to grant CRZ clearance as per Clause 8 III A (ii) of CRZ Notification 2011.</p>	Decision communicated on 24.05.2013
55.2.21	300/A3/2013/ KCZMA/S&TD	<p>Sub:- Construction of Residential Building after demolishing existing building by Sri.Sibi Abraham, Vaikom.</p> <p>Decision:- The KCZMA discussed the proposal and decided to grant clearance for the reconstruction proposed by Sri. Sibi Abraham, Vaikom for residential purpose after demolishing the existing building subject to the condition that the reconstruction shall not exceed the plinth area, FSI and density of the building that existed earlier.</p>	Decision communicated on 29.05.2013
55.2.22	60/A2/2013/ KCZMA/S&TD	<p>Sub:- Construction of Container Freight Station at Vallarpadam .</p> <p>Decision:- The KCZMA discussed the proposal and decided to call for details pertaining to the reclamation, orders permitting reclamation and the purpose of reclamation.</p>	Included in the Agenda of the 57th meeting

		Decision:- The KCZMA discussed the proposal in detail and decided to issue CRZ clearance for the building for Anganawadi in Re. Sy. No. 629/5 of Cheranalloor Village.	
55.4.3	471/A3/2013/ KCZMA/S&TD	Sub:- Judgment in W.P(C) No.5348/13 filed by Sri. Jose George- Filing of R/P. Decision:- The KCZMA discussed the issue and decided to initiate action for filling appeal against the judgement in WP(C) No. 5348/13.	Instruction given to the standing counsel for filing appeal on 21.05.2013

Agenda Item No.57.4

Action Taken Report (56th meeting held on 20.05.2013).

Agenda Item No.	File No.	Subject and Decision	Action Taken
56.2	2187/A2/2012 /KCZMA/S&TD	Sub:- Construction of Apartment Building by M/s. KGL Builders at Beach Road, Kozhikode — hearing the petitioner in WP (c) No. 25899 of 2012. Decision:- Therefore, the authority decided that the application submitted by M/s KGL Builders is rejected since it is a clear violation of CRZ Notifications. The Chairman KCZMA is authorized to issue proceedings/directions in this regard. Also, the Secretary of the Kozhikode Corporation shall be directed under the provisions of Environment Protection Act, 1986 to initiate appropriate action against the construction made in violation of CRZ Notifications 1991 and 2011.	Decision communicated on 06.06.2013
Other Items:		Other Items: 1. The KCZMA decided to write to the Secretary, LSGD to take immediate action against the Secretary, Kozhikode	Decision communicated on 19.06.2013.

		<p>Corporation for granting permission for the construction of Apartment Building by M/s. KGL Builders at Beach Road, Kozhikode marking a copy to the Worshipful Mayor and the Director, Urban Affairs.</p> <p>2. It is decided that all the Ex-officio members of KCZMA shall be requested to nominate the same officers, as far as possible, from the respective departments in case of their inconvenience to attend the meeting and also to entrust the department for maintenance of record of the meetings to facilitate continuity in the deliberations of KCZMA.</p> <p>3. The KCZMA decided to visit the coastal districts and also to conduct discussion with the district authorities/ Town Planners/ Secretaries of LSGs to receive complaints and to identify and take actions against violations. Wide publicity shall be given ahead of such visits through media so that all concerned will have information about the visits.</p>	<p>Decision communicated on 19.06.2013.</p>
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Agenda Item No.57.5

Consideration of **new Agenda** items.

WP(C) No. 21621/11 filed by Dr. Francis Puthanagadi, Thrissur -

Construction of Building

This file deals with the construction of a house made by Dr. Francis at Kadappuram Grama Panchayath in Thrissur District. The applicant filed a Writ Petition WP(C) No. 21621/2011 upon the Stop Memo issued by the Panchayath on the reason stated that the aforesaid construction has been undertaken in CRZ. The applicant claimed that this is a reconstruction. The Hon'ble High Court directed the first respondent KCZMA to consider and take appropriate decision on Ext.5 i.e. the application dated, 13.08.2010 after affording an opportunity of hearing to the petitioner. Pursuant to the hearing the petitioner was asked to furnish application for CRZ clearance with relevant details through the local body concerned. The Panchayath has forwarded the application with their rejection. The Environment Group of KSCSTE has conducted the field inspection and as per the report of field inspection, "The proposed reconstruction is in the NDZ of CRZ III. The existing construction is approximately 1500 sq.ft. Proposed reconstruction is with a plinth area of 1250 sq.ft. Reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the Notification including facilities essential for activities can be permitted in the NDZ of CRZ III". A copy of the **Field Inspection report is attached** hereto.

Hence placed before the KCZMA meeting for a decision.

FIELD INSPECTION REPORT

With reference to the Council (M) Order No.21/2013/KSCSTE dt. 08-02-2013 the site located at Kadappuram Gramapanchayathin Thrissur District of Lat 10°33'37" Long 76° 0'51" was inspected on 06 April 2013 and the following observations were made.

The site is located very close to the Lakshadweep Sea and North of Chettuva inlet. A straight 300m long seawall of 4 to 5m wide is existing seaward of the inspected site. The frontal beach seaward of seawall has a width of about 15 to 18m with a well developed fair weather berm crest (plate 1 to 4).

- 1) Distance from HTL (landward line of seawall) to basement of the existing building is 5m
- 2) Dimension of the existing building is approximately 12 x 12 m (144m²)

The site area is located in Map No. 43 of Coastal Zone Management Plan and marked as No Development Zone. The existing building is also in the CRZ III - No Development Zone.



Plate 1: Building under construction

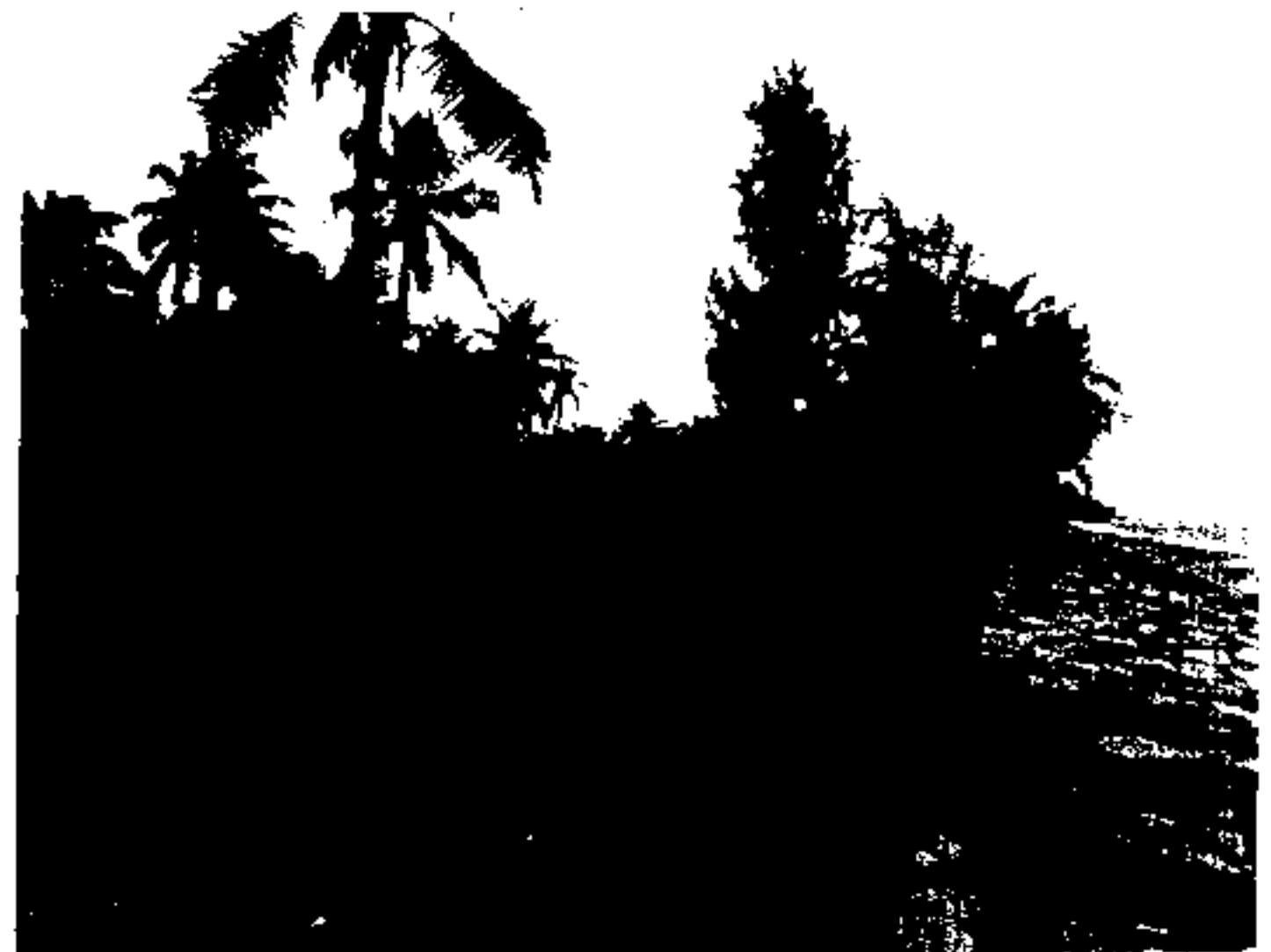


Plate 2: Seawall and compound wall of referred site



Plate 3: Road on the east side of building.

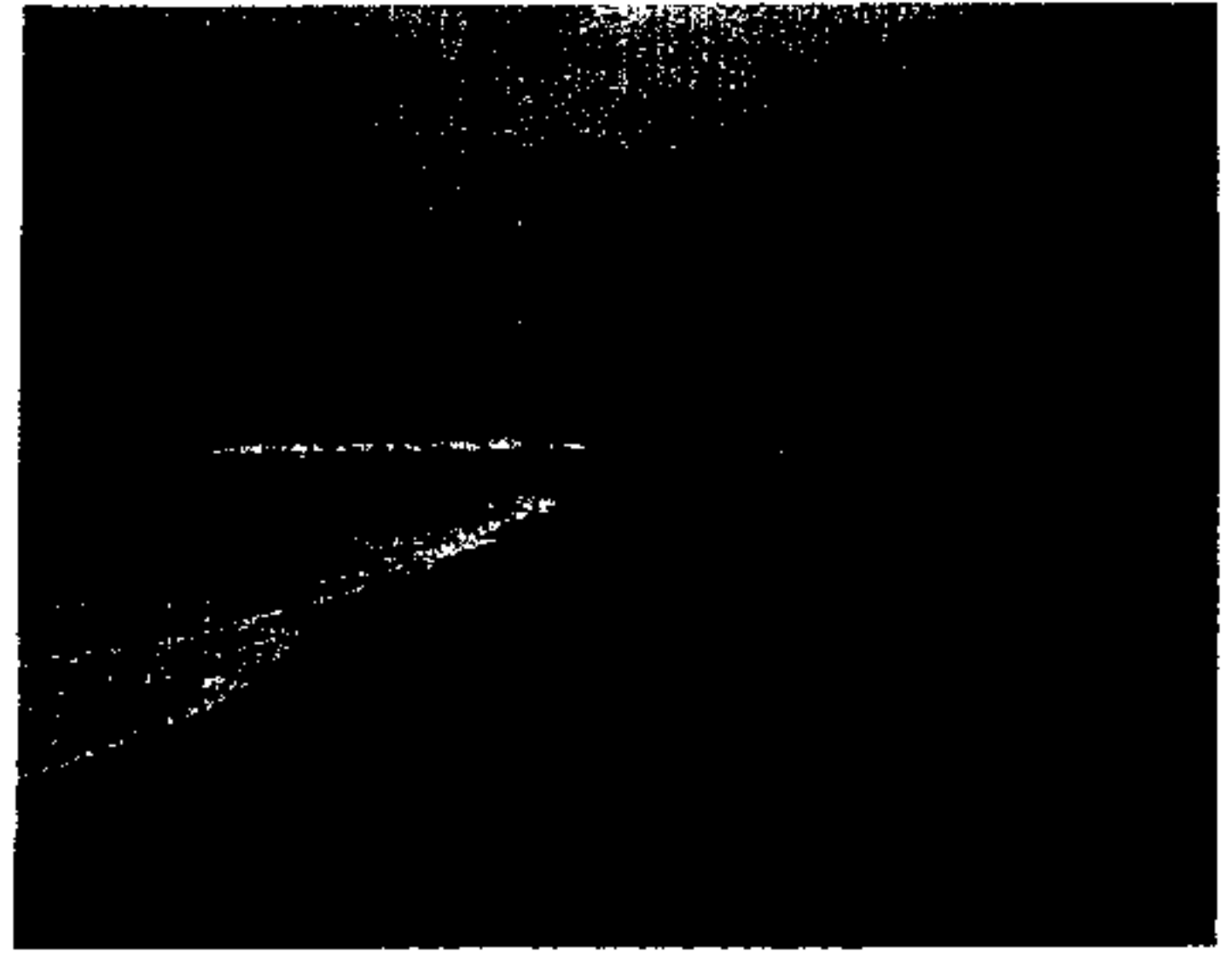


Plate 4: Beach with well developed fair weather berm seaward of seawall

Summary:

- The proposed reconstruction is in the NDZ of CRZ III.
- The existing construction is approximately 1500 sq ft.
- Proposed reconstruction is with a plinth area of 1250 sq ft.
- Reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities can be permitted in the NDZ of CRZ III.

acknowledged
Dr. K.O.
03/5/13
Dr. Badrees K. O.

[Signature]
Dr. P. Harinarayanan
Scientific Officer, KSCSTE

Construction of Residential building by Smt. Kunnath Ayisha, Near Oliyakara Beach.P.O, Mattool South, Kannur

- Name of Applicant** : Smt. Kunnath Ayisha, Near Oliyakara Beach.P.O, Mattool South, Kannur.
- Project Details** : Construction of residential building under Fisheries Department scheme with a plinth area of 40.04m², single storied with a height of 3.50m.
- Activities proposed** : Construction of Building.
- Location Details** : R.S. No. 257/19, 381/19, Ward No. XII of Mattool Grama Panchayath.
- CRZ of the area** : Distance from HTL to the proposed construction is 75m.
- Provisions of CRZ Notification.** : As per the CRZ Notification 2011 (Clause 8 .III A(ii) No new construction can be permitted in the area.

Hence placed in the KCZMA meeting for a decision.

**Construction of Residential building by Sri. Pandaravalapil Shameem,
Pandaravalapil House, P.O. Mattool South, Kannur**

- Name of Applicant** : Sri. Pandaravalapil Shameem, Pandaravalapil House, P.O. Mattool South, Kannur.
- Project Details** : Construction of residential building under Fisheries Department scheme with a plinth area of 112.60m², Two floors with a height of 6.50m.
- Activities proposed** : Building for Residential purpose.
- Location Details** : Re.S. No. 257/14, 381/12, Ward No. XIII of Mattool Grama Panchayath.
- CRZ of the area** : The distance between HTL and the proposed construction is 87m.
- Provisions of CRZ Notification.** : As per the 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 existing authorized structure can be permitted without increase in existing plinth area, FSI and density.

Hence placed in the KCZMA meeting for a decision.

**Establishment of Container Freight Station at Vallarpadam – MIV Logistics
Pvt. Ltd.**

The proposal for the establishment of a Container Freight Station at Vallarpadam by M/s. MIV Logistics Pvt. Ltd., has been discussed by the KCZMA in its 55th meeting. It was decided to call for certain details pertaining to the reclamation in the area. Note received from the managing Director, INKEL Ltd. and copy of letter from Cochin Port Trust addressing KCZMA and marked to the proponent are **attached herewith**. Original letter from the Cochin Port Trust addressed to KCZMA is not seen received in the section. The copy of the letter informs that the reclamation work at Vallarpadam Island was carried out in early 80s and at that time there was no practice of obtaining Environment Clearance for reclamation and that no documents connected with the reclamation are available in their office.

It is also informed that all reclaimed / accreted land either in backwater or sea within the notified limits of Cochin Port would become the sole property of Cochin Port Trust as per Major Port Trust Act, 1963.

The Note from Managing Director, INKEL to the Chief Minister seeks instruction to be issued to Principal Secretary (Science & Technology) Department to dispose off the matter as per rules at the earliest and the Hon'ble Chief Minister has minuted 'please expedite action'.

Hence placed before KCZMA for appropriate action.



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Website : www.cochinport.gov.in
Willington Island, Cochin - 682 008
विलिंग्टन ऐलंड कोच्चिन - 682 008

No. EMB/Lease/MIV/2012

30th April 2013

To

Kerala Coastal Zone Management Authority
Science & Technology (A) Dept.
Sasthra Bhavan
Pattom
Thiruvananthapuram.

Sirs,

Sub: S&T Department - KCZMA-CFS at CPT Vallarpadam
-Details sought for- reg.
Ref: Letter No.60/A2/13/KCZMA/S&TD dated 30.03.2013
Received from Sri. B.V.S. Mani, Under Secretary of Govt.
KCZMA.

This has reference to the letter cited above.

I am directed to inform you that the reclamation work at Vallarpadam Island was carried out in early 80s, at that time there was no practice of obtaining environmental clearance for reclamation. Further, no documents connected with the above reclamation are available in this office.

It is also pertinent to note that all reclaimed/accreted land either in back water or sea within the notified limits of Cochin Port will become sole property of Cochin Port Trust as per Major Port Trust Act, 1963.

Yours faithfully,

SR. ASST. ESTATE MANAGER

Copy to : M/s. MIV Logistics Pvt. Ltd.
INKEL Centre
Off Vallathol Junction
Seaport Airport Road
Thrikkakara
Cochin- 682 021.

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KERALA COASTAL ZONE MANAGEMENT AUTHORITY

No: 50/A2/13/KCZMA/S&TD

Science & Technology (S) Dept.
Seetha Bhavan, Putha,
Thiruvananthapuram. Dated: 30.01.2013.

From: ~~Secretary, KCZMA~~

To:
The Chairman,
Cochin Port Trust Ltd.,
Kochi

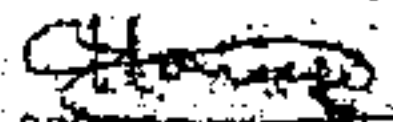
Sir,
Sub: S&T Department - KCZMA - Computer Freight Station at
Cochin Port Trust, Vallarpadam - Details sought for. Reg.
Ref: Application dated, 29.01.2013 received from the Authorized
Signatory, MIV Logistics Pvt. Ltd., Kochi.

I am to inform you that the application submitted to me on the above subject and to
request you to furnish the details of reclamation as well as the permission
obtained for reclamation to KCZMA.

Yours faithfully,

B.V.S.MANI
Under Secretary to Govt.
for Member Secretary, KCZMA.

Approved for issue


SECTION OFFICER

Copy to: The Authorized Signatory,
MIV Logistics Pvt. Ltd.,
UNKEP, Kochi

CC: Technical Section,
Seaport Airport Road, Thiruvananthapuram,
Kochi - 682 021

EO
MD

141
No. 12916/13/CM

858/13
2-1-

EVP (KSCSTE)
Please expedite action

Recd
20/5/13

~~Container Freight Station at Vallarpadam~~
CRZ Clearance

COMM. CHANDY
Chief Minister
Kerala



24.05.13

1008
23/5/13

INKEL along with two other organizations (MFAR Enterprises (P) Ltd and VKL Estates Ltd) had won a tender for leasing 18.5 acers of land of Cochin Port at Vallarpadam in August 2011. INKEL Consortium has paid a lease premium of Rs. 14.65 crores in Lumpsum with annual lease land of around Rs. 2.5 crores every year for 30 years.

As per the tender conditions of the Port, the land is to be used for setting up a Container Freight Station and the facility is required for off loading containers from the Vallarpadam Terminal project. To that extent, Vallarpadam Terminal Container is dependent upon availability of CFS near to the Cochin Port. Already one is in operation and two including that of INKEL Consortium is in the offing.

Accordingly a Container Freight Station as per design approved by the Cochin Port is now under implementation and will offer facility for open storage of Containers as well as stuffing of goods in the warehouse. The Project Cost is Rs.75 Crores.

The land where the port and proposed Container Stations are located fall in the dredged land and as per Government of India notification No. GSR 376 (E) dated 21.06.2006 is within the purview of the port.

INKEL Consortium has concluded an agreement with APM Terminals India Limited which is a company in the group of Maersk Shipping and is a global organization. By virtue of the agreement, APMT will operate the terminal for 10 years on Revenue sharing basis. **It may be mentioned that this is one of the very few foreign tie up any Kerala company has been able to conclude in the last 3 years.**

Very Urgent

SAT Dept

KC2 MA

Forw-a.

22-5-13

For CRZ clearance, we have submitted all details to the Kerala Coastal Zone Management Authority who made the following query on 30.03.13 to the Cochin Port Trust:

"I am to invite attention to the reference cited (copy enclosed) and to request you to furnish the details of reclamation as well as the permission obtained for reclamation to KCZMA."

which was answered by the Cochin Port on 30th April 2013 as follows:

I am directed to inform you that the reclamation work at Vallarpadam Island was carried out in early 80's, at that time there was no practice of obtaining environmental clearance for reclamation. Further, no documents connected with the above reclamation are available in this office.

It is also pertinent to note that all reclaimed/accreted land either in back water or sea within the notified limits of Cochin Port will become sole property of Cochin Port Trust as per Major Port Trust Act, 1963.

We have been informed that at a meeting of the committee held thereafter on 6th June, another query has been made and CPT may be answering this query.

As mentioned above, this land was reclaimed in early 80's and the International Container Terminal itself has come up on the land, as our facility is just opposite to ICTT.

Our project would in the normal circumstances should have faced no delay since it is right across the ICTT and the entire land belongs to the same categorization.


It may be noted that the Government of Kerala, on 16.05.2013 has exempted the Cargo and Logistic Centre (CFS) of the Company, being a socially relevant project, from the provisions of the Building Rules.

A copy of the Gazette Notification referred to above and the letter from the LSGD Department are attached.

We may submit that

1. APMT is a MNC and delay on our part for want of clearances will generate a negative publicity.
2. The Land is leased by the Port which has the power as per the Indian Ports Act and such leasing is also monitored by the Government of India.
3. The CFS is a facility required for off loading of the containers since the container terminal is expected to work efficiently in clearance of cargo and it is a port related activity
4. The Land where the CSF is being built is part of the larger Vallarpadam Island where the ICTT of Dubai Port World is functioning.

Instructions may please be issued to Principal Secretary, Science & Technology Department to dispose off the matter as per rules at their earliest.


17/5/13
(T. Balakrishnan)
Managing Director
INKEL Ltd.

C. M.

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കേരള സർക്കാർ

നമ്പർ. 28871/ആർ.ഡി.1/13/ത.സ്വ.ഭ.വ.

തദ്ദേശസ്വയംഭരണ (ആർ.ഡി) വകുപ്പ്
തിരുവനന്തപുരം, തീയതി: 16.05.2013

പ്രേക്ഷകൻ,

പ്രിൻസിപ്പൽ സെക്രട്ടറി

സ്വീകർത്താവ്,

1. ചെയർമാൻ,
കൊച്ചിൻ പോർട്ട് ട്രസ്റ്റ്,
വില്ലിംഗ്ടൺ ഐലന്റ്,
കൊച്ചി - 682 009.
2. സെക്രട്ടറി,
മുളവുകാട് ഗ്രാമപഞ്ചായത്ത്.

സർ,

വിഷയം:-

തദ്ദേശസ്വയംഭരണ വകുപ്പ് - കൊച്ചിൻ പോർട്ട് ട്രസ്റ്റ് - കൊച്ചിൻ പോർട്ട് ട്രസ്റ്റിന്റെ കീഴിൽ പ്രവർത്തിക്കുന്ന കാർഡോ & ലോജിസ്റ്റിക് സെന്റർ നിർമ്മാണം - സംബന്ധിച്ച്.
കൊച്ചിൻ പോർട്ട് ട്രസ്റ്റ് ചെയർമാന്റെ 26-04-2013-ലെ SEZ/Land/2009-C നമ്പർ കത്ത്.

സൂചന:-

കേന്ദ്ര സർക്കാരിന്റെ അനുമതിയിൽ പ്രവർത്തിക്കുന്ന കൊച്ചിൻ പോർട്ട് ട്രസ്റ്റുമായി ബന്ധപ്പെട്ട കാർഡോ & ലോജിസ്റ്റിക് സെന്ററിന്റെ നിർമ്മാണത്തെ കേരള പഞ്ചായത്ത് ബിൽഡിംഗ് റൂൾ 9 പ്രകാരം സാമൂഹ്യ ജീവിതത്തിന് അനിവാര്യമായ സർവ്വീസ് എന്ന നിലയിൽ ചട്ടത്തിൽ നിന്നും ഒഴിവാക്കാൻ സർക്കാർ തീരുമാനിച്ചിട്ടുള്ള വിവരം താങ്കളെ അറിയിക്കുന്നു. എന്നാൽ നിർമ്മാണത്തെക്കുറിച്ചുള്ള വിവരങ്ങൾ കേരള പഞ്ചായത്ത് കെട്ടിട നിർമ്മാണ ചട്ടം 7 (2) പ്രകാരം തദ്ദേശസ്വയംഭരണ സ്ഥാപന സെക്രട്ടറിയെ അറിയിക്കേണ്ടതാണ്.

വിശ്വസ്തയോടെ,
എ. ആർ. സുരേഷൻ,
ഡെപ്യൂട്ടി സെക്രട്ടറി,
പ്രിൻസിപ്പൽ സെക്രട്ടറിയുടെ വേണ്ടി

അംഗീകാരത്തോടെ,

സെക്ഷൻ ഓഫീസർ.

**Construction of Residential building by Smt.K.Savithri, W/o.Vijayan,
Perumpadappil (H), Mukkom.P.O, Kozhikode**

- Name of Applicant** : Smt.K.Savithri, W/o.Vijayan, Perumpadappil (H),
Mukkom.P.O, Kozhikode
- Project Details** : Construction of Residential Building.
- Activities proposed** : Construction of building with a plinth area of 186.33m², Two
floors, Height 7.90m.
- Location Details** : Re. Sy. No. 8/1, 10, Kakkode Village.
45m from HTL of River. The site has an elevation of 5m from
the River.
- CRZ of the area** : The area is in the No Development Zone of CRZ III.
- Provisions of CRZ
Notifications.** : As per the CRZ Notification 2011, Clause 8 III A(ii), No new
construction can be permitted in the No Development Zone of
CRZ III. Only reconstruction can be permitted.

Hence the proposal is placed before KCZMA meeting.

Construction of Residential building in Thalassery Municipal area -
Application of Smt.Sushida.D, Suresh Nivas, Chala, P.O. Thottada, Kannur-7

Proposal for the construction of a house by Smt.Sushida.D in Thalassery Municipal area was submitted in the year 2009 on the banks of Pokkali. This was not permissible as per CRZ Notification 1991. Now they have applied for reconsideration of the above request. Remarks furnished by KSCSTE is **attached herewith** for reference.

Hence placed before KCZMA for decision.



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15/4/13

Kerala State Council for Science, Technology and Environment

No.119/ENV/2009/CZMA

Dated: 08.04.2013

From

Joint Director
KSCSTE

To

The Secretary
S&T Department

Sir,

Sub: -Thalassery Municipality- Town planning Department- construction of a residential building- application from Smt. Sushitha. D-reg.

Ref. No: 1. 1243/A3/09/S&TD
2. 187/A2/13/S&TD

726
15/4/13

With reference to the 2nd above, the construction was in the buffer zone of Kaipaddam- which were declared as CRZ I as per CRZ notification 1991. The CRZ notification 2011 has categorised these fields like Kaipadam/ Pokkali as CRZ IV. Hence the present status of the area where construction has been undertaken is in CRZ II. The construction is landward of an existing authorised building in the same plot. Hence the construction may be regularised. This is for your kind information and necessary action.

Yours faithfully,

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

**Construction of building for Rural Apparel Park, Thalikkulam Grama
Panchayath**

The Secretary, Thalikkulam Grama Panchayath vide letter dated, 05.11.2011 submitted the proposal for the construction of a building for Rural Apparel Park in CRZ area by Thalikkulam Vikas Trust. Being an industrial activity the proposal is not permissible in the area. The Secretary, Thalikkulam Grama Panchayath was informed of the same vide letter dated, 20.09.2012.

Again vide letter dated, 05.02.2013 the Secretary, Thalikkulam Grama Panchayath filed appeal before the Authority. As this is not a permissible activity under CRZ Notification, 2011 there is no provision to consider the application and to grant permission.

KCZMA may decide.

Agenda Item No. 57.5.8

File No. 253/A2/2013/KCZMA/S&TD

**Reconstruction of Shop Building as Residential Building by Sri.Valsan.K,
Sivaranjini, Vadakkumbad, Erunjoli, Thalassery, Kannur**

Name of Applicant : Sri Valsan.K, Sivaranjini, Vadakkumbad, Erunjoli,
Thalassery, Kannur.

Project Details : Reconstruction for dwelling purpose.

Activities proposed : Reconstruction of a Shop Building as Residential Building.
Plinth area proposed is 45m², single storied.

Location Details : Sy. No. 35/2B (0.0081 hectares).
38m from HTL of river, landward of PWD road.

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),
reconstruction of existing authorized structures can be
permitted in CRZ area without increase in existing plinth
area, existing FSI and density for permissible activities.

Comments : The existing plinth area details are not available in the Grama
Panchayath as the building is already demolished.

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

**Construction of Residential building by Mr. Sivakumar, C.S. Bhavan,
Kurumandal, Paravoor, Kollam**

- Name of Applicant** : Sri. Sivakumar, C.S.Bhavan, Kurumandal, Paravoor, Kollam.
- Project Details** : Construction of Residential Building with plinth area of 100m², FAR 0.13.
- Activities proposed** : Construction of building.
- Location Details** : Rc. Sy. No. 103/3-2, 2-2 of Paravoor Village on the banks of backwater on both sides (North and South).
- CRZ of the area** : The area is in the CRZ II.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, Clause 8 II(i) construction can be permitted only landward of existing authorized structures or approved road.
- Comments** : As per the location map provided construction is proposed landward of an imaginary line drawn between the two building XXV/330 and XXV/331A on the Southern side. The year of construction of these building are reported by the Secretary Paravoor Municipality as 1980 and 2009 respectively. The building is proposed 42m from Paravoor Kayal on the Northern side and no road or existing building is shown in between Paravoor Kayal and proposed site.

Hence the proposal is placed before KCZMA meeting for decision.

**Construction of Residential Building by Sri.Moinual Haq, Chandrathil,
Thekkumbhagam, Paravoor, Kollam**

- Name of Applicant** : Sri. Moinual Haq, Chandrathil, Thekkumbhagam, Paravoor, Kollam.
- Project Details** : Construction of building with plinth area of 93.35m², FAR 0.19, Coverage 19%.
- Activities proposed** : Construction of building.
- Location Details** : Sy. No. 519/27-1 of Kottapuram Village, Paravoor Municipality, 146m from HTL of sea and 22m from thodu.
- CRZ of the area** : The area is CRZ II.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, Clause 8 II(i) the construction can be permitted landward of existing authorized building.
- Comments** : The present construction is landward of existing building No. PML 13/228, 17/141.
- The Secretary, Paravoor Municipality has furnished that the width of the thodu as 1.2m.

Hence the proposal is placed before KCZMA meeting.

Re-Construction of Residential Building by Smt. Madhavi

Kunnumakkara.P.O, , Oorkkattery, Kozhikode

- Name of Applicant** : Smt. Madhavi, Parambath Poyil House, Kunnumakkara P.O, Eramala, Kozhikode.
- Project Details** : Reconstruction of residential building –EMS housing scheme
- Activities proposed** : Reconstruction of dwelling unit ,with plinth area of 51.03m² – Height 4.25m
- Location Details** : Re. Sy. No. 19/5 (1.35 Are) 2.10m from HTL of River
- CRZ of the area** : The area is in CRZ II Development Zone
- Provisions of CRZ Notifications.** : Reconstruction of authorized building can be permitted in the No Development Zone of CRZ III without increase in existing plinth area, FSI and density for permissible activities.
- Comments** : The reconstruction of dwelling units is a permissible activity subject to conditions. The details of existing building are not provided. The KCZMA had earlier permitted reconstruction of dwelling units up to 60m² under government Housing Schemes.

Hence placed before KCZMA for a decision.

**Construction of additional area of existing Residential Building by
Sri.A.Sisupalan, Punnappa South Grama Panchayath, Alappuzha**

- Name of Applicant** : Sri.A.Sisupalan, Anjilipparambu, Praveesh Bhavan,
Punnappa.P.O, Alappuzha.
- Project Details** : Construction of additional area of existing Residential
Building single storied.
- Activities proposed** : Construction of building with plinth area of 100.79m².
- Location Details** : Sy. No. 49/5 of Punnappa Village.
- CRZ of the area** : The area is in CRZ III between 100-200m from HTL of sea.
- Provisions of CRZ
Notifications.** : As per CRZ Notification 2011, construction of dwelling units
of traditional communities including fisherfolk can be
permitted in between 100-200m from HTL, if a comprehensive
plan is prepared and approved by National Coastal Zone
Management Authority.
- Comments** : The applicant belongs to traditional fishing community.

Hence placed before KCZMA meeting.

Construction of building for Crematoria at Thalikulam Grama panchayat.

- Name of Applicant** : The Secretary, Talikulam Grama Panchayat.
- Project Details** : Construction of Gas Crematorium.
- Activities proposed** : Construction of building, with plinth area of 173.46m² car parking area paved pathway etc.
- Location Details** : Sy.No.270/7(68.25 Cents) of Thalikulam Village 5m from HTL of sea
- CRZ of the area** : The area is in CRZ III No Development Zone
- Project Cost** : 96.81 Lakh
- Provisions of CRZ Notifications.** : As per CRZ notification 2011 (Clause 8 III A (iii) (j) construction of Crematoria is permissible in the NDZ if CRZ III.

Hence placed before KCZMA for a decision.

Construction of Residential Building by Sri. Sudheer P.K, Puthuvel Nikath, pannakkad, Kizhakkeppram, Thathappilli P.O North Paravoor, Ernakulam

- Name of Applicant** : Sri. Sudheer P.K, Puthuvel Nikath, pannakkad, Kizhakkeppram, Thathappilli P.O North Paravoor, Ernakulam.
- Project Details** : Construction of a residential building
- Activities proposed** : Building construction with plinth area of 50.04m² single storied.
- Location Details** : Sy. No. 329/1A, 403 of Kottuvally village and Panchayath 5m from HTL of river.
- 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) no new construction can be permitted in the No Development Zone of CRZ III. Only reconstruction can be permitted subject to conditions.

Hence placed before KCZMA for a decision.

Construction of Apartment Building by M/s. Heera Kerala Developers Pvt.

Ltd., - 'Heera Blue Waters' in Attipra Village, Thiruvananthapuram

Name of Applicant : Sri. Abdul Rasheed, Managing Director, M/s. Heera Kerala Developers Pvt. Ltd, Heera park MP Appan Road, Vazhuthakkad, Trivandrum. Kerala

Project Details : Construction of Apartment Building – 'Heera Blue Waters'.

Activities proposed : Construction of building with plinth area of 121101.86m² – 680 residential apartments in 4 towers.

Project cost : Rs. 96.43 Crores.

Location Details : Sy No: 520/16, 518/8, 517/5-1, 517/5-1-1, 518/11, 508/12, 520/5, 520/1, 520/3, 520/23, 508/20, 520/8, 520/10, 518/10-1, 508/10, 508/18, 517/7-1, 520/24, 518/3-2, 518/3-3, 518/7, 518/2-2, 518/2-1-1, 508/19, 520/25, 518/4, 508/11, 518/9, 520/2 of Attipra Village, Thiruvananthapuram district.

CRZ of the area : CESS has prepared the CRZ map for the area after delineating HTL & LTL. As per the CRZ status report the HTL is along the embankment and lies along the banks of the backwater. Along the banks of the backwater and adjoining water bodies, the CRZ extends landward from the HTL up to a distance equal to the width of the water body subject to a maximum of 100m. The area between the HTL and LTL (intertidal zone) and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank of the water are also CRZ. No mangroves are found at the banks of the kayal. The proposed developments are partly in CRZ III as per the CZMP (1995) (Map No.6). The proposed project site and adjoining area close to the kayal is being reclaimed in certain locations. Lay out of the structures/buildings

proposed in the referred site are superimposed in the CRZ map. The building is proposed in CRZ III and also in CRZ IV as per the CRZ map.

The erstwhile Attipra Grama Panchayath in which the project site lies, has now been made part of Thiruvananthapuram Corporation. There is a possibility that the CRZ III here may be re-categorised as CRZ II subject to the provisions of CRZ (2011).

Provisions of CRZ Notifications.

: As per CRZ notification 2011, No new constructions can be made in the No Development Zone of CRZ III. The present construction is partly in CRZ III - No Development and in CRZ IV-where constructions are prohibited. Construction can be permitted only outside CRZ area. The proposal needs to be recommended to SIEAA for EIA clearance as per CRZ notification 2011.

Comments

: The proposed construction falls partly in CRZ area where new constructions are prohibited. The area which was reclaimed by the proponent need to be restored. Construction can be permitted only outside CRZ area. Action against reclamation of lake also need to be initiated as per EP act 1986.
There is a disparity in the NOC issued by Pollution Control Board in the built up area approved and proposed in the application for CRZ clearance.

Hence placed before KCZMA for a decision.

**Construction of Residential Building by Sri.M.K.Abdul Rahman, M.K. House,
Ariel.P.O, Pattuvam, Kannur**

- Name of Applicant** : Sri. M.K. Abdul Rahman, M.K. House, Ariel.P.O, Pattuvam, Kannur.
- Project Details** : Construction of a Residential Building with plinth area of 67.45m², single floor, Height 3.5m.
- Activities proposed** : Construction of building.
- Location Details** : Sy. No. 160/10 of Pattuvam Village. 40m from HTL of Kuppam River.
- CRZ of the area** : The area is on the banks of Kuppam River which is having tidal influence from sea. The 100m landward of HTL is CRZ III - No Development Zone.
- Provisions of CRZ Notification.** : 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 can be permitted.

Hence placed in the KCZMA meeting for a decision.

**Construction of Building for Hydrographic Survey Office, Port Department at
Munambam, North Paravur, Ernakulam**

- Name of Applicant** : The Chief Hydrographer, Hydrographic Survey Wing, Port Department, Manjalikulam Road, Thiruvananthapuram.
- Project Details** : Construction of a building for Hydrographic Survey Office at Munambam, North Paravur, Ernakulam.
- Activities proposed** : Construction of building.
- Location Details** : Sy. No. 1013/05-Cents (Govt. land) close to the River bank.
- CRZ of the area** : The area is in CRZ II.
- Provisions of CRZ Notification.** : As per CRZ Notification 2011, clearance can be given to activity within the CRZ if it requires water front and fore shore facilities (Clause 4(i)(a)).
- Comments** : Hydrographic Survey Office need to be close to water body as the instruments for measurement are to be stored and transported in boats, boat jetty and allied facilities are also required nearby.

Hence placed in the KCZMA meeting for a decision.

**Construction of Residential Building by Smt. Seena, Punnathara House,
Vallarpadam.P.O, Panambukadu, Mulavukadu, Ernakulam**

Name of Applicant : Smt. Seena, Punnathara House, Vallarpadam.P.O,
Panambukadu, Mulavukadu, Ernakulam

Project Details : Construction of dwelling units with plinth area of 36.72m².

Activities proposed : Construction of building, plinth area of 36.72m², Height:
4.30m, single floor.

Location Details : Re. Sy. No. 99/8, 20.5m HTL of sea.

CRZ of the area : The area is in the No Development Zone of CRZ III.

Provisions of CRZ Notifications. : As per the CRZ Notification 2011, No new constructions can be permitted in the NDZ of CRZ III, only reconstruction of existing authorized structures is permissible in No Development Zone of CRZ III (Clause 8 III A(ii)).

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

Reconstruction of Residential building by Sri.Hameed, S/o. Kunhammad kutty, Kunnummakara, Eramala Panchayath, Vadakara, Kozhikode

- Name of Applicant** : Sri. Hameed, S/o. Kunhammad Kutty, Othayothidathil, Kunnummakara (P.O), Vadakara, Kozhikode.
- Project Details** : Reconstruction of Residential building.
- Activities proposed** : Reconstruction of building with a plinth area of 239.48m².
- Location Details** : Re. Sy. No. 20/2A of Eramala Village, Kozhikode. The reconstruction is proposed on the banks of Mahi river at a distance of 55m from HTL.
- CRZ of the area** : The area is marked in Map No. 62.A of CZMP and it is in CRZ III, No Development Zone.
- Provisions of CRZ Notifications.** : As per the CRZ Notification 2011, Clause 8 III A(ii), reconstruction of existing authorized structure can be permitted without exceeding existing plinth area, existing FSI and existing density.
- Comments** : The details of existing structure are not provided. The existing building is shown in the plan without its plinth area and FSI.

Hence the proposal is placed before KCZMA meeting.

Judgement in WP(C) No. 6649/07 filed by Sri. V.C. Augustine, Alappuzha

The Writ Petition No. 6649/07 was filed by Sri.V.C.Augustine, Complaining against the illegal encroachment of Government land and reclamation of 'Kadavil Kadavu Thodu' in Aroor Grama Panchayath in Cherthala Taluk by Malayala Manorama TV, the 7th Respondent in the WP(C). KCZMA was impleaded as the 8th respondent in the Writ petition. KCZMA filed Counter Affidavit in the case on 14.01.2009. Now, the Hon'ble High Court in its Judgement dated, 05.02.2013 **(Copy enclosed)** dismissed the writ petition for non prosecution as it appears that the petitioner has lost interest in the cause of action. The allegation in the writ petition is of reclamation. The C.A swared **(Copy enclosed)** does not seek the court urging cause in the petition and action as per law.

Hence placed before KCZMA for a decision on whether any further course of action be initiated and if so whether a site inspection be done.

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2013/16th Magha 1934

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 5TH DAY OF FEBRUARY 2013/16TH MAGHA 1934

WP(C).No. 6849 of 2007 (N)

PETITIONER(S):

1. V.C.AUGUSTINE,
VATTAKATTU VEEDU, AROOR P.O., ALAPPUZHA.
2. K.A.RAPHAEL,
KOTTUKULANGARA VEEDU, AROOR P.O., ALAPPUZHA.

BY ADV. SRI.ANTONY V. PAUL

RESPONDENT(S):

1. STATE OF KERALA REPRESENTED BY
SECRETARY, DEPARTMENT OF LOCAL ADMINISTRATION,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.
2. SECRETARY IN-CHARGE OF ENVIRONMENT,
DEPT. OF SCIENCE, TECHNOLOGY & ENVIRONMENT
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.
3. DISTRICT COLLECTOR,
ALAPPUZHA.
4. TAHASILDAR,
CHERTHALA TALUK, ALAPPUZHA.
5. VILLAGE OFFICER,
AROOR VILLAGE, ALAPPUZHA.
6. SECRETARY,
AROOR GRAMA PANCHAYAT, AROOR, ALAPPUZHA.
7. MMTV I.TD., REPRESENTED BY GENERAL MANAGER,
P.B.NO.106, K.K.ROAD, KOTTAYAM-686 001.

MJL

P.R.RAMACHANDRA MENON, J.

W.P.(c) No. 6649 OF 2007

Dated this the 5th day of February, 2013

JUDGMENT

The petitioner has approached this Court with the following prayers :

"i) To issue a writ of mandamus or any other appropriate writ/order or direction to the respondents to restore the Kadavikadavu thodu 17 meters wide as it existed in the past and per the Basic Tax Record.

ii) To issue a writ of mandamus or any other appropriate writ/order or direction to respondents 3 to 6 to take action refraining 7th respondent from reclaiming any portion of the land of the Vembanad Kayal.

iii) To issue a writ of mandamus or any other appropriate writ/order or direction, directing the 3rd respondent to initiate proceedings against the 7th respondent under Land Conservancy Act and Land Utilization Order 1967.

iv) To issue a writ of mandamus or any

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other appropriate writ/order or direction to respondents 1 to 3 to take action against 7th respondent for violation of CRZ notification and not to assign any portion of the Vembanad Kayal or Kayal Puramboke to any private person and to cancel any assignment if made already.

v) To issue a writ of mandamus or any other appropriate writ/order or direction directing the respondents 3 and 4 to measure and demarcate the Kadavilkadavu thodu and to enquire into the malpractices if any played on the basis of the same by the 7th respondent and file a report before this Hon'ble Court within a stipulated time.

vi) To issue any other writ/order or direction which the Hon'ble Court may be pleased to grant on the facts and circumstances of the case."

The matter is listed for final hearing today. There is nobody to represent the petitioner. It appears that the petitioner has lost interest in the cause of action. The writ petition is dismissed for non-prosecution.


P.R.RAMACHANDRA MENON
JUDGE



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Technology
Department
of irregular
the staff of
Thiruvananthapuram

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(C) No. 6649 of 2007

V.C. Augustine & another :: petitioner
Vs.

State of Kerala rep. by Secretary :: Respondents
Department of Local Administration
And others

COUNTER AFFIDAVIT FILED ON BEHALF OF THE 2nd & 8th RESPONDENTS.

I, I.A. Alphonsa, W/o.K.Y. Anwar, aged 47 years, residing at Thiruvananthapuram, now at Ernakulam do hereby solemnly affirm and state as follows:

1. I am the Under Secretary, Science and Technology Department, Government Secretariat, Thiruvananthapuram. I am conversant with the facts of the case as disclosed from the relevant records. I have been authorized to swear to this counter affidavit on behalf of the 2nd & 8th respondents. All the allegations and averments contained in the above writ petition are not fully correct and save those that specifically admitted hereunder are denied.

2. It is submitted that the banks of Vembanadu backwaters in Aroor Panchayath are categorized as Coastal Regulation Zone (CRZ) area

belonging to CRZ I or CRZ III. Drainages connecting Vembanad which has tidal influence in the area also classified under CRZ areas. Reclamation is a prohibited activity as per CRZ notification 1991. Land reclamation, bunding or disturbing the natural course of sea water are prohibited activities as per CRZ notification 1991. Reclamation of backwaters is also a prohibited activity.

3. It is submitted that the 8th respondent, Kerala Coastal Zone Management Authority has not filled up any land, paddy fields, common thodu or issued clearances for filling the land against the provisions of CRZ Notification.

4. Land reclamation, bunding or disturbing the natural course of sea water are prohibited activities as per CRZ notification 1991. Reclamation of backwaters is also a prohibited activity. Setting up of industry is prohibited in CRZ area except those directly treated water front of directly meeting foreshore facilities. Land reclamation, bunding or disturbing the natural course of sea water except those required for construction or modernization or expansion of ports, harbours, jetties, wharves, quays, slipways, bridges and sea-links and for other faculties that are essential for activities permissible under the notification or for control of coastal erosion and maintenance or clearing of water ways, channels and ports or for prevention of sandbars or for tidal regulators, storm water drains or for structures for prevention of salinity ingress and sweet water recharge; provided that reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities shall not be permissible. The area upto 100m from High Tide Line of backwater or the area equivalent to

the width of backwater.thodu. whichever is less is the CRZ III zone. This area is also the No Development Zone in CRZ III.. Land reclamation, bunding or disturbing the natural course of sea water are prohibited activities as per CRZ Notification 1991. Reclamation of backwaters is also a prohibited activity. Setting up of industry is also prohibited in CRZ area except those directly related water front or directly meeting foreshore facilities.

In the above circumstances, this counter affidavit may be accepted in the interest of justice.

All the facts stated above are true to the best of my knowledge, belief and information.


DEPONENT

Solemnly affirmed and signed before me by the deponent, whom I know on this the 14th day of January 2009 at the office of the Advocate General, Tirukulam.

SMITHA SUKUMARAN
GOVERNMENT PLEADER

**Construction of Dwelling units by Smt.B.K.Narayani, D/o, Umbungan (L),
Udma West, P.O. Udma West -671319, Kasargod**

- Name of Applicant** : Smt.B.K.Narayani, D/o, Umbungan (L), Uduma West.P.O-671319, Kasargod.
- Project Details** : Construction of dwelling house. (Govt. scheme).
- Activities proposed** : Construction of building with area of 36.97m², single floor.
- Location Details** : Re. Sy. No. 50/3 of Uduma Village.
160m from HTL of sea.
- CRZ of the area** : CRZ III No Development Zone between 100-200m from HTL of sea.
- Provisions of CRZ Notifications.** : As per the CRZ Notification 2011, Clause 8 A(ii), Construction of dwelling units traditional communities can be permitted in between 100-200m from HTL of sea if a comprehensive plan is prepared and approved by MoEF, Government of India.

Hence the proposal is placed before KCZMA meeting.

Construction of Building for Hollow Brick Unit by Sri. Yesudasan, Das Bhavan, Meenathucherry, Kavanad.P.O, Sakthikulangara, Kollam

- Name of Applicant** : Sri. Yesudasan, Das Bhavan, Meenathucherry, Kavanad.P.O, Sakthikulangara, Kollam.
- Project Details** : Construction of building for Hollow Brick unit (Industrial Unit).
- Activities proposed** : Construction of building for Hollow Brick unit with a plinth area of 74.42m². Manufacturing Hollow bricks.
- Location Details** : Re. Sy. No. 98/27/3/2 of Kavanad Village, Kollam, 60m from HTL of Backwater.
- CRZ of the area** : The area is in CRZ III, No Development Zone.
- Project Cost** : No Details.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, Clause 3 (i) setting up on new industries and expansion of existing industries are prohibited in CRZ area.

Hence the proposal is placed before KCZMA meeting

**Construction of Wood Polishing Centre by Shri.P.T.Shamsudheen,
Puthiyangadi Village, Kozhikode corporation.**

- Name of Applicant** : Sri. P.T. Shamsudheen, Puthiyangadi Village, Kozhikode Corporation.
- Project Details** : Construction of shed for Wood Polishing Unit.
- Activities proposed** : Construction of a shed with a plinth area of 49.00m² and installation of 10 HP motor.
- Location Details** : Re. Sy. No. 147, Ward No.1 of Kozhikode Corporation 480m from HTL (as per submitted documents).
- CRZ of the area** : The area is CRZ II (Sheet No.22 of Cadastral Map of Kozhikode corporation).
- Project cost** : 1.5 Lakh.
- Provisions of CRZ Notifications.** : As per CRZ Notification, Clause 8 II(i) construction of new building can be permitted landward of existing structure subject to FAR of 19th February 1991. But new industrial activities are prohibited in CRZ area. Wood Polishing is shown as an industrial activity in the records submitted.

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

**Construction of Building for Tourist Police Assistance Centre by District
Police, Kozhikode**

- Name of Applicant** : The District Police Chief, Kozhikode City, Kozhikode.
- Project Details** : Construction of Tourism Police Assistance Centre,
- Activities proposed** : Construction of building with plinth area of 67.5m², single floor.
- Location Details** : Re. Sy. No. 1/1B of Kasaba Village.
- CRZ of the area** : The Site is in CRZ II as per CZMP (Cadastral Scale) prepared by CESS sheet No.18.
- Project cost** : No details.
- Provisions of CRZ Notifications.** : As per the CRZ Notification, Clause 3(i)a, the Coastal Police Station and the like are permissible in CRZ area.

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

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

Minutes of the 56th Meeting of Kerala Coastal Zone Management Authority.

Date & Time : 20th May, 2013 at 02:30 p.m

Venue : Sasthra Bhavan, Pattom, Thiruvananthapuram

The meeting commenced at 02.30 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.

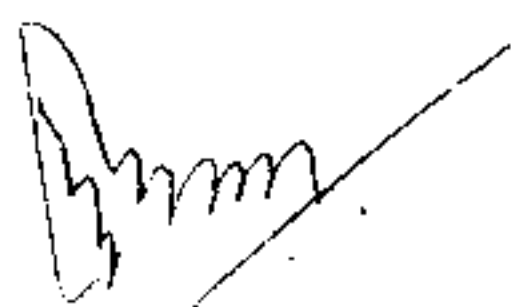
Members

3. Smt. Lovely V.T. Senior Environmental Engineer, representing, Chairman, KSPCB.
4. Dr. N.P Kurian, Director, CESS
5. Dr. A.Ramachandran, Professor and Director, School of Industrial Fisheries, Fine Arts Avenue Cochin-682 016
6. Dr. K. Padmakumar, Aquatic Biology, University of Kerala, Thiruvananthapuram 695 581
7. Sri. Baby John, Director, MCITRA.
8. Sri. Rajeev.G, Additional Secretary, Environment Department
9. Dr. Sajith Babu, Asst. Commissioner, Commissionerate of Land Revenue representing Secretary, Revenue Department and Smt. Sherin Francis, Deputy Secretary, Revenue Department
10. Sri. Madhu, Deputy Secretary, LSGD representing Secretary LSGD
11. Sri. Hari P. Nair, Joint Secretary, Fisheries Dept. representing Principal Secretary, Fisheries Department, Thiruvananthapuram – 695 001.

Agenda Item No.56.1

Confirmation of the Minutes of the 55th Meeting

The minutes of the 55th Meeting was confirmed.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

Agenda Item No. 56.2

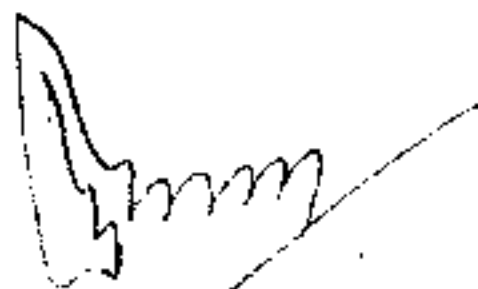
Construction of Apartment Building by M/s. KGL Builders at Beach Road, Kozhikode — hearing the petitioner in WP (c) No. 25899 of 2012.

The petitioner, M/s Korath Gulf Links Builders (P) Ltd represented by Sri. V.P. Sunil Sreedhar, Project Manager attended the hearing and also submitted a written statement. The Petitioner was heard by the full sitting of the KCZMA and after hearing and considering the written statement, the KCZMA observed as follows:

The main contention was that, they were not aware of the fact that CRZ clearance is mandatory for the construction of proposed multiplex.

1. M/s KGL started construction of the building without obtaining CRZ Clearance.
2. Even though in the said WPC the petitioner contented that an application is pending disposal at KCZMA, they have filed an application in the format prescribed in the CRZ Notification of 2011 only on 14-12-2012, which was found defective. They were asked to file another application in Form I completing all the information required. The second application dated 28-1-2013 was received on 5-2-2013. The applications were not in order and contained the following defects:

- **Under item 1** detail in Sl no.1.1, 1.4, 1.6, 1.8, 1.11, 1.14, 1.21, and 1.31 are incomplete, partial or missing. These are essential as it indicates the activity information.
- **Under item 2** the details with respect to Natural resources use for construction or operation of the project such as land, water, materials etc are not properly provided. The water (expected Source and competing users) unit: KLD is just shown as outsourced. The source is to be provided.
- The information provided **in item 4** – production of Solid waste during construction or operation or decommissioning (MT/month) is not clearly indicated. For example Sl No. 4.2- Municipal waste generated likely quality not provided. It is mentioned as Biogas. The plastic waste which is major waste is not seen addressed. In 4.6 sewage sledge or other sludge from effluent treatment - It is mentioned that STP installed at site. The sludge is from STP installed at site. The sludge quantity and its disposal from STP are not clearly addressed.
- **Under item 5** Release of pollutants or any hazardous waste etc to air (Kg/hr) is not quantified instead 62.5 KVA is written.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman

- **Under item 6** Generation of Noise and vibration and emission of light and Heat is shown as Nil. The noise from Generator, during construction phase etc is not properly provided.
- **In Item III- Environment Sensitivity** all items are marked as 'No'. The details within 15 km are not provided. Even the answer for the Coastal Zone is 'No'. The entire details are required
- They also provided vide their letter dated 11-3-2013 additional clarification the details are available in CRZ Maps and Reports prepared by CESS; that these shall satisfy all such technical requirements. The supporting documents as per the procedure laid down in the notification are not proper and the 7 km radius CRZ map and the consent to establish - renewal from KSPCB are not produced in Original.

The KCZMA further observed the following violations by the builder:

1. Total investment exceeded Rs. 5 Crore and thus construction requires prior CRZ clearance from the MoEF, GoI as per the CRZ Notification 1991 [Clause 3(2) (v)].
2. Construction had been initiated without obtaining CRZ clearance from the competent authority.
3. The Kerala Building Rules 1984 were applicable to the area as per the CRZ Notification 1991. FAR as per the KBR for residential building is 1.5. The construction completed is for FAR 2.89 for which no documentary evidence was submitted for afford from competent authority.

Even though the above was sufficient to reject the application, an opportunity of being heard was extended to the party in view of the interim order on WP (c) pending before the Hon'ble High Court of Kerala. The main contention of the party was that they were not aware of the requirement of CRZ Clearance, which was against the stand taken by the party in the Hon'ble High Court in the WP (c) No. 24035 of 2009 wherein para 13 of their affidavit, filed on 30-9-2010, the petitioner submitted that 'the 8th respondent has not done any act in violation of any of the directions of the Coastal Management Authorities or against the protection or conservation of coastal areas'. They are in receipt of the counter affidavit filed by the 4th respondent wherein the CRZ violation is narrated in detail.

Hence the contentions raised by the petitioner at the time of hearing are baseless and devoid of any merit.



Dr. K K Ramachandran
Member Secretary



Prof. V N. Rajasekharan Pillai
Chairman