

GOVERNMENT OF KERALA
SCIENCE AND TECHNOLOGY DEPARTMENT

Minutes of the 30th meeting of Kerala Coastal Zone Management Authority

Date & Time : 14th May, 2009 at 3.00PM
Venue : Sasthra Bhavan, Pattom, Thiruvananthapuram.

The meeting commenced at 3.00PM. The chairman welcomed all the members to the meeting of the authority. Thereafter, the authority considered the items in the Agenda.

List of members present is given as Annexure I

Agenda Item No.1

KCZMA considered the minutes of the 29th meeting. As far as Agenda Item No.29.3.2 and 29.3.3 are concerned, the Authority made certain recommendations. It was pointed out that the question of reduction of No Development Zone(NDZ)to 40% on the banks of rivers and inland water bodies was not yet formally referred to the Subcommittee constituted to re-examine the CRZ classification on the banks of Pokkali field/filtrations ponds. In item No.29.3.3, the proposal for the construction of a building in the area that lies between 200 to 500m of High Tide Line of sea and within the NDZ of backwaters was discussed. It was decided to refer the case to the above Subcommittee constituted vide G.O.(Rt)No.15/09/S&TD dated 3.2.2009 were confirmed. The Committee was not formally communicated of the decisions. This must be done at the earliest.

Agenda item No.2.

Action Taken Report

The Authority noted the action taken on the decisions of 29th meeting of KCZMA.

Agenda Item No.3

New proposals for consideration

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Agenda Item No.30.3.1

File No.1057/A3/08/S&TD

**Pappinissery Grama Panchayat – Construction of auditorium over a two
Storeyed building**

The Chief Town Planner has pointed out a case in which he is requested to sanction the construction of an auditorium over an existing two storeyed Shopping Complex by Smt.Sreeja Rajan, in Pappinissery Grama Panchayat, Kannur.

The site lies in resurvey No.214/11 of Pappinissery Village and is in CRZ I. The existing building was built after 19.2.1991 and lies at a distance of 108.20m from the banks of Valappattanam river. During high tide the northern, western and southern sides of plot are flooded. The area is ecologically fragile and full of mangroves. The proposed site is within the buffer zone of mangroves and is within the High Tide Line of Valappattanam river.

The Grama Panchayat has informed that the existing building was constructed without clearance from the KCZMA and based on the direction from KCZMA, the Panchayat has given notice to demolish the structure. The owner of the building in turn has stated that the construction was with the

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approval of the Panchayat and that building tax is being paid from the year 2001. She has also filed a Writ Petition before the Hon'ble High Court challenging the notice of the Panchayat. Since the Panchayat has not passed any final orders and what was served by the Panchayat was only a Show Cause Notice, the case was not considered by the Hon'ble court and the petitioner was directed to move for suitable remedies if aggrieved by the decision of the Panchayat when final orders are passed. The Panchayat has requested for direction on the future course of action.

KCZMA considered the case in detail and concluded that it is a case of CRZ violation. Accordingly it is decided to direct the Panchayat to take suitable action against the violation.

Agenda Item No.30.3.2

File No.1881/A2/08/S&TD

Judgment in WP©No.25880/08 filed by Shri.K.L.Edwin

Shri.K.L.Edwin, Kurisingal, Nazreth.P.O., Kochi has filed WP©No.25880/08 challenging the orders of Edavanakkad Panchayat rejecting his application for carrying out certain repair works in the existing building. The application is rejected on the ground that the land is situated in CRZ III. The Hon'ble High Court in its judgment dated 28.8.2008 has directed the petitioner to move KCZMA for reclassification of the area, if any such reclassification is ordered in the case of Vypeen Island in view of the

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decision of the High “Court in A.C.Parthan Vs.Nayarambalam Grama Panchayat.

Accordingly, the petitioner filed a representation before KCZMA. It is informed therein that he is only modifying the existing building. But the Panchayat reported that it is a new construction.

The case was discussed by KCZMA in detail and decided to accept the Panchayat report that it is a new construction and hence to reject the case, as the construction lies within the No Development Zone of CRZ III area.

Agenda Item No.30.3.3

File No.2385/A2/08/S&TD

Construction of building ‘Prestige Forum Mall’, Maradu Grama Panchayath by

M/s.Thomsun Realtors – reg.

The request for CRZ clearance for the construction of building ‘Prestige Forum mall’ by M/s.Thomson Realtors in Maradu Grama Panchayath was discussed by KCZMA in its 28th meeting. A Subcommittee was constituted to examine the case in detail. The report of the Subcommittee was placed in the meeting.

KCZMA discussed the report of the Subcommittee in detail, and decided to reject the proposal for the construction of Prestige Forum Mall, as commercial buildings are not permissible in CRZ III area.

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Agenda Item No.30.3.4

File No.2459/A2/08/S&TD

Construction of dwelling units near Pokkali Wetland ecosystem -

Subcommittee report - reg

KCZMA, in its 28th meeting discussed the question of permitting construction of dwelling units within the buffer zone of Pokkali field/filtration ponds. A Subcommittee has been constituted to examine the possibility of reclassification of Pokkali fields from CRZI(i) category. The Sub Committee submitted the report before the KCZMA.

KCZMA considered the report of the Subcommittee in detail, and decided to refer to the subcommittee itself for again on the basis of the discussion, especially with reference to zoning of the area.

Agenda Item No.30.3.5

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 Government land. Now the same

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residents are staying at about 50m from the High Tide Line. Each proposed house is having an area of 350sq.ft. As per CRZ Rules 1991, no new construction is allowed within 200m from the High Tide Line. The proposal was placed before the 29th meeting of KCZMA and was deferred for detailed discussion in the next meeting.

A presentation was made before the Authority by Disaster Management Department. KCZMA discussed the case in detail and decided to recommend the case to Ministry of Environment and Forests subject to the condition that the existing houses should be demolished and the area retained as NDZ.

A presentation was also made on the TRP Housing Scheme at Azheekode which is separately being referred to an Inspection Team and appropriate decision will be taken based on the Team's report.

In this context, a presentation was also made on the proposal TRP Housing Scheme to be implemented at Punnapra. However, the ;proposal is not yet received.

Agenda item No.30.3.6

File No.572/A2/09/S&TD

Establishment of Chitin Unit by M/s. A.S.Traders in CRZ area – request for review – reg.

The proposal for the establishment of a Chitin Unit in the CRZ area of Punnapra Grama Panchayath has been discussed by the KCZMA in its 28th and 29th meetings. The proposal was rejected as it lies within the No Development Zone. Later the project proponent submitted a petition before

the Chief Secretary, for reconsideration of the earlier decision. The case was discussed in detail again.

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The Authority decided to depute a team of three officers to be nominated by the Chairman for inspection of the site and discuss its report in the next meeting.

Agenda Item No.30.3.7

File No.540/A2/09/S&TD

Construction of Motor Shed for agricultural purpose – Kottuvally Grama

Panchayath – reg.

Secretary, Kottuvally Grama Panchayath requested to issue CRZ clearance for the construction of a motor shed in the buffer zone of Pokkali fields(within 35m). The area of the shed is 139sq.ft. as reported. It is also informed that, this is exclusively for agricultural purpose.

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

- i) Construction should be exclusively for a motor shed for agricultural purpose.***
- ii) Area of the construction should be limited to 100sq.ft and the height shall be limited to the minimum required.***
- iii) Panchayath authorities shall ensure that there is no deviation from the above conditions.***

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- iv) In case the construction is used for any other purpose, the permission will automatically stand cancelled, and appropriate action as per CRZ rules will be initiated.*

Agenda Item No.30.3.8

File No.681/A2/09/S&TD

Kottuvally Grama Panchayat – Request for relaxation of CRZ rules – reg.

Secretary, Kottuvally Grama Panchayat requested to exempt the local inhabitants of the Panchayat from the purview of CRZ Notification 1991. It is reported that the Panchayat could not issue building numbers to the houses constructed under the financial assistance from Government, due to the implementation of the CRZ Notification. Most of the constructions lies within the No Development Zone of CRZ III or buffer zone of CRZ I area.

KCZMA discussed the matter in detail and decided to pursue action on the basis of the report of the Subcommittee, which is examining similar proposals.

Agenda Item No.30.3.9

File No.728/A2/09/S&TD

Renovation of building in CRZ area – Application of Sri.Reghunathan & Smt.Latabhai, Neendakara Grama Panchayath

Secretary, Neendakara Grama Panchayath submitted application for CRZ clearance for the renovation of an old existing building with a plinth area

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of 40sq.m at 70m from the banks of Kayal. The area is in the No Development Zone of CRZ III. The proposed reconstruction is of plinth area 39.29sq.m.

KCZMA discussed the case in detail and decided to issue CRZ clearance for the above construction.

Agenda Item No. 30.3.10

File No.729/A2/09/S&TD

Construction of Coastal Security Police Station, Thottappally, Alappuzha -

reg.

Superintendent of Police, Alappuzha vide letter dated 17.3.2009 requested for CRZ clearance for the construction of Coastal Security Police Station at Thottappally. The estimated cost of the project is around 57 lakh. The proposal for the construction of Coastal Police Station was discussed by the KCZMA in its 26th meeting and recommended the same to Government of India. Now the department has submitted the revised project proposal.

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

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- i) Only Police Station building shall be permitted and no other construction like quarters, etc. shall be undertaken.*
- ii) The overall height of the building shall not be more than 9m and not more than 2 floors(ground floor plus first floor)*
- iii) The construction shall be consistent with surrounding landscape and local architectural style.*
- iv) Ground water shall not be tapped within 200m of High Tide Line and other conditions laid down in the notification are strictly adhered to.*
- v) All relevant rules regarding construction in the CRZ area shall be followed strictly.*
- vi) The purpose shall not be changed and no other activities shall be taken place in the proposed site.*
- vii) The project proponent should provide necessary facilities for the officials of Coastal Zone Management Authority for inspection of the project site and its premises at any time.*

Agenda Item No.30.3.11

File No.730/A2/09/S&TD

TRP Scheme-Construction of Anganvadi building – Pattanakkad Grama Panchayat, Alleppey.

Director, Social Welfare Department has submitted a request for exempting the construction of Anganvadi building under TRP Scheme in Pattanakkad Grama Panchayat, from the purview of CRZ Notification 1991. The estimated cost is Rs.3,50,000/-

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KCZMA considered the case in detail and decided to approve the proposal as it is an educational institution and since the project is under TRP.

Agenda Item No. 30.3.12

File No. 759/A3/09/S&TD

Allotting building number to houses constructed on the sea shore by fishermen people.

The fishermen in Onjiyam Grama Panchayat in Kozhikode district has submitted a representation for the allotment of building number to their houses constructed on the coastal sector. Though these homes are built on the eastern side of the roads already constructed by the Grama Panchayat, the Panchayat is unwilling to allot building number to these houses. They are facing difficulties in getting ration card, electricity connection etc. All these homes are built using the grant from Government as well as from well wishers.

KCZMA discussed the case in detail and decided to collect more details from the Panchayat

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Agenda Item No.30.3.13

File No.579/A3/09/S&TD

Renovation of existing Fish Processing Unit at Choottad in Madai Grama

Panchayat in Kannur District – proposal from Shri.Moidhu Haji-reg.

Shri.Moidhu Haji, Choottad, Kannur District has submitted a proposal for the renovation of his Fish Processing Unit situated at Choottad in Madai Grama Panchayat in Kannur District bearing building number MP-XIV-32 in Re.sy.No.25/1, without any alteration in the existing plinth area. The distance from the High Tide Line of sea in 304m.

As per the provisions of CRZ Notification, renovation without increase in plinth area is permissible between 200-500m from High Tide Line of sea in CRZ III. Further, as per CRZ Notification Para2(iii) modernization of Fish Processing Units can also be permitted.

KCZMA discussed the case in detail and decided to issue CRZ clearance for the renovation of existing unit subject to the following conditions:

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- a) The unit for modernization purpose may utilize 25% additional plinth area required for additional equipment. and pollution control measures subject to existing Floor Space Index/Floor area ratio norms.
- b) Additional plinth area shall not be towards seaward side of existing unit.
- c) Approval from Pollution Control Board should be obtained.

Agenda Item No.30.3.13

File No.762/A2/09/S&TD

Rehabilitation of Evictees of Moolambilly & Kothad area – reg.

Secretary, Kadamakkudy Grama Panchayat requested to issue CRZ clearance for the construction of houses for the rehabilitation of Evictees of Moolambilly and Kothad area. It is also reported that Government have approved this rehabilitation package. Basic facilities are being arranged by the reclamation of river. It is requested to clarify whether building permit can be issued to the houses being constructed in the CRZ area. It is also added that the Panchayat Committee has passed a resolution in this regard. It is also requested to issue CRZ clearance for the houses to be constructed.

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KCZMA discussed the case in detail and decided to constitute a Committee for scientific study in the area and to submit a report before the next meeting.

Agenda Item No. 30.3.14

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

MPEDA assisted Community Peeling Centre, Sakthikulangara Harbour-reg.

Managing Director, Matsyafed submitted the proposal for the establishment of a Community Peeling Centre at Sakthikulangara Harbour, Kollam for CRZ clearance. As per the CRZ Notification, 1991 this is a prohibited activity. The case was discussed by the KCZMA in its 29th meeting and decided to direct the Project Proponent to make a presentation.

KCZMA discussed the case in detail in view of the presentation and decided to conduct an inspection in the site by the Subcommittee to be examined to be constituted vide decision No.30.3.6

Agenda item No.30.3.15

File No.607/A2/09/S&TD.

In a press cutting, forwarded by Local Self Government Department, it is reported that Local Self Government Institutions are forced to make

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violations of the CRZ Notification because of the delay in the amendment of the above Notification. It is also reported that this delay is equivalent to denial of natural justice.

As reported, implementation of the provisions of CRZ Notifications is not promptly done by the Local Self Government Institution in spite of repeated directions from KCZMA. Hence this may be discussed for deriving suitable mechanisms.

KCZMA noted the case.

The meeting came to a close at 5.30PM

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Annexure – I

Kerala Coastal Zone Management Authority – 30th Meeting at 3.00PM on
14.5.2009

Present:

1. Dr.E.P.Yesodharan, Chairman, KCZMA.
2. Smt.Mercykutty Amma.J.
3. Dr.M.Baba, Director, CESS.
4. Dr.N.R.Menon, CUSAT
5. Prof.B.Madhusoodana Kurup, CUSAT.
6. Shri.Eapen Varghese, Chief Town Planner(LSGD)
7. Shri.B.Surendran, Additional Secretary, Environment Department.
8. Shri.P.M.Francis IAS, Deputy Secretary, Disaster Management Department.
9. Smt.Lovely V.T., Senior Environmental Engineer, KSPCB.
10. Dr.G.Muraleedhara Kurup, Member Secretary, KCZMA

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