

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

Appeal No: 11 of 2023

In the matter of:

Fishing Boat Owners Association

-----Appellant

-VS-

Kerala Coastal Zone Management Authority
and Ors.

-----Respondent(s)

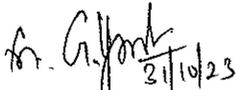
REPORT FILED BY THE MEMBER SECRETARY, KCZMA/1st

RESPONDENT

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Dated at Chennai on this the 31st October, 2023.


21/10/23

M/s. DR. G. PRABHU

Standing Counsel for Kerala Coastal Zone Management Authority - NGT(SZ)
Chennai Bench



(1)

Para-Wise Statements in Appeal no 11/2023 filed by Fishing Boat Owners Association before Hon'ble NGT

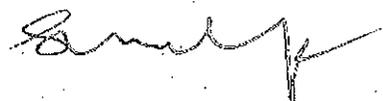
Para 1 -32 – No Comments

Para33 &34: The Hon'ble High Court of Kerala passed an order in WP(C) No.27137of 2022 (S), WP(C)No. 13648of 2022 (E) and WP(C)No. 37523 of 2022 (M) dated 23.03.2023 and directed Kerala Coastal Zone Management Authority (hereafter referred as KCZMA) to pass appropriate orders on the proposal already submitted by the Project Proponent, within three weeks from the date of the order i.e,23.03.2023

Pursuing the order, KCZMA has invited the Project Proponent (Executive Engineer, Kerala Road Fund Board) to make a detailed presentation on the proposed construction of bridge between Azhikode and Munambam across Munamban Kayal (Backwater)vide letter No.2179/A1/21/KCZMA dated 24.05.2023 (**Annexure – 1**).The application with all the supporting documents as per clause 4.2 of CRZ Notification 2011 were scrutinized by KCZMA and the project proposal presented by the Executive Engineer, Kerala Road Fund Board PWD (hereafter referred as Project Proponent) was examined in its 128th meeting held on 27.05.2023.

Para 35. No Comments

Para 36- After the careful examination of the documents submitted by the Project Proponent, the KCZMA in its 128th meeting decided to issue the CRZ clearance for the proposed construction of bridge connecting Munambam and Azhikode. The proposed project lies in Survey No(s). 81, 83, 84, 85, 86, 87, 93, 94 and 95 of Kuzhuppilly Village and Survey No(s) 427, 428, 429, 430, 431, 432 and 438 in Azhikode Village. The Survey No(s) 81(Pt), 83(Pt), 84(Pt), 85(Pt), 86(Pt), 87(Pt) of Kuzhuppilly Village partially lies within the CRZ limit and categorized as No Development Zone of CRZ III. The Survey No(s) 93, 94 and 95 of Kuzhuppilly Village do not come under the purview of CZMP, 2011 since these survey numbers are outside the CRZ limit. Similarly, the Survey No(s) 427(Pt), 428(Pt), 429(Pt) of Azhikode Village lies within CRZ limits and categorized as No Development Zone of CRZ III. The Survey No(s) 430, 431, 432 and 438 of



(2)

Azhikode Village are outside the CRZ limit. The Survey No 689 lies in Periyar River and categorized as CRZ IV B. The proposed bridge is an elevated structure and passing above CRZ IV B category and is passing through the Survey No.689. The KCZMA considered the proposal and issued the CRZ clearance subject to the following conditions;

1. Land reclamation is strictly prohibited;
2. The flow of tidal influence water body shall not be disturbed or altered;
3. The fishing activity and movement of fishing boats shall not be disturbed /affected due to construction activity; the impacts should be monitored and addressed.
4. No construction waste shall be dumped /discharged in CRZ area

The Project Proponent is directed to furnish the compliance report of the conditions stated above.

The approach roads/connecting roads on both side of the bridge are only lies in NDZ of CRZ III. As per sub-clause 8. III. CRZ - III, (iii), (j) of CRZ Notification 2011 stated that the construction of dispensaries, schools, public rain shelter, community toilets, **bridges**, roads provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric substations which are required for the local inhabitants may be permitted on a case to case basis by CZMA within the No-Development Zone of CRZ III.

Para 37- The National Centre for Earth Science studies (NCESS) an authorized agency of MoEF&CC to prepare HTL, LTL and CRZ for the proposed projects known as CRZ status report has submitted the same for this project before KCZMA as one of the mandatory documents. The CRZ Map prepared in 1:4000 scale showing the proposed bridge with approach roads including the survey No (s), location and CRZ category is given in **Annexure II**. Hence the Annexure A15 submitted by the petitioner (Seven Maps) are not relevant.

Para 38- As per the CRZ Status Report, the Survey No 689 is categorized as CRZ IVB and not as Critically Vulnerable Coastal Area of Vembanad backwater. The proposed elevated bridge having total length of 631.92 m with 12 spans (52.60m each). The KCZMA in its CRZ Clearance letter



specifically stated that the flow of tidal influence water body shall not be disturbed / altered due to the construction. The authority further specified the condition that the fishing activity and movement of fishing boats shall not be disturbed/ affected due to construction activity; the impacts should be monitored and addressed. The project proponent has directed to furnish a compliance report of the conditions stated in the CRZ clearance issued.

Para 39-The proposed bridge is elevated structure and only passing above the water body and the approach roads to the bridge are only passing through the NDZ of CRZ III which is permissible activity under the provisions of CRZ Notification 2011.

Para 40. The CZMP 2011 was prepared by NCESS and approved by MoEF&CC vide letter 28/02/2019. The approved Maps are published in KCZMA website.

Para 41- No Comments

Para 42 The KCZMA examined the project proposal of construction of Azhikode Munambam bridge (Agenda item 128.01.10) in its 128th meeting held on 27/05/2023. The deliberation of the project proponent were carefully examined and the provisions of CRZ Notification 2011 have been strictly followed and the clearance was issued .



Suneel Pamidi
SUNEEL PAMIDI IFS
Member Secretary, KCZMA



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SECRETARY, KCZMA/1st

RESPONDENT

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