

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION NO. 188 OF 2021**

BETWEEN:

S. SAKTHIVEL

...APPLICANT

AND

Ministry of Environment, Forest & Climate Change & 16 Ors.

...RESPONDENTS

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1.	14.11.2012	Translated Copy of the Receipt for the Building Permit Application (Annexure - I)	1
2.	12.03.2014	Translated copy of the Letter from Kumaramangalam Grahma Panchayat Letter No. A24096/12 (Annexure - II)	2
3.	16.01.2017	Translated Copy of the Layout Approval (Annexure - III)	5
4.	01.09.2018	Translated Copy of the Letter from Kumaramangalam Grahma Panchayat, Letter No. A3/3122/18 (Annexure - IV)	7
5.	09.10.2019	Clean copy of the Letter from Kumaramangalam Grahma Panchayat Letter No. A3/1855/19 (Annexure - V)	8

Dated at Chennai this the 2nd Day of March, 2023



COUNSEL FOR THE 15th RESPONDENT

Kumaramangalam Gram Panchayat

ANNEXURE - I

1135

OFFICE SEAL

Appendix 2

Phone number

RECEIPT

No: 4719/2012

Date :14/11/12

Applicant's Name : K M Moosa, Chairman, Al Azhar
 Medical College & Super Speciality Hospital....

Subject (Summary) : Permit

Date of Service : Nil

Section : A5.....

(Office Seal) Signature of Front Office Assistant

This receipt should be produced for further enquiry/services

This is the true translation of document marked as
ANNEXURE- I in the Counter Affidavit submitted by 15th
 respondent in Original Application No. 188/2021 of the National
 Green Tribunal, Southern Zone, Chennai.



From Malayalam to English

27-2-2023

P. R. RAJU
 Advocate & Notary Public
 Roll No: K/203/1980
 Muvattupuzha, Kerala, India
 Mob: 9447357938

No.A2 4096/12

ANNEXURE – II

From

Phone (04862) 200687

Secretary /President-

KUMARAMANGALAM GRAMPANCHAYAT OFFICE
KUMARAMANGALAM P.O
THODUPUZHA, IDUKKI(Dt.)
PIN – 685608

Date 12/03/2014

To,

Shri. K. M. Moosa

Chairman

Noorul Islam Trust

Sir,

Sub: - Construction of building for medical purpose –Regd.

Ref: Letter No C2/159/14/KDiS dated 01/03/2014 of Chief Town Planner.

Forwarding herewith the letter reference cited above.

Yours faithfully,

Sd/-

S. UMMUSALMA BEEVI
SECRETARY
KUMARAMANGALAM PANCHAYAT
IDDUKKI DISTRICT
Phone No: 9496045095

Office Seal

From
malayalam to English

P. R. RAJU
P. R. RAJU
Advocate & Notary Public
Roll No: K/203/1980
Muvattupuzha, Kerala, India
Mob: 9447357938



No: C2/159/14/K.Dis

Office of the Chief Town Planner
Dept. of Town and Country Planning
Thiruvananthapuram -33
Date:01/03/14
Phone Number:0471-
2321447,2322024
ctpkerala@gmail.com

From,

Chief Town Planner,
Thiruvananthapuram.

To,

Secretary,
Kumaramangalam Panchayat,
Idukki.

Sir,

Sub: - Idukki District – Kumaramangalam Panchayat – Construction of building for Medical Purpose (Al-Azhar Medical College) Approval of Layout –Regd.

Ref: - 1. Your letter No. A2/4096/12 dated 29/11/2012.

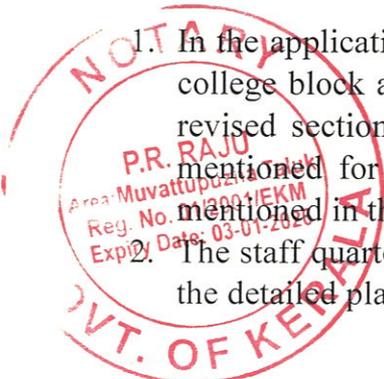
2. Letter No. D/719/12 dated 03/01/2014 issued by Idukki Town Planner.

3. Letter No. C2/159/14/ dated 03/02/2014 issued by this office.

Your attention is invited to the letters reference cited above

With regard to the above subject this is to inform that the plan submitted could not be considered for layout approval for the following reasons.

1. In the application submitted at the first instance there were seven floors in the college block and the area mentioned were stated as 35948.24 m². But, in the revised section submitted along with revised drawings the number of floors mentioned for the said building were nine floors. No differences are seen mentioned in the building plans and area details.
2. The staff quarters building is mentioned as three blocks in the site plan. But, in the detailed plan the staff quarters is mentioned as a single block.



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3. Seventh floor plan of the hospital block is not submitted. The area of the fifth floor is seen wrongly recorded (instead of 7163.65m² it is recorded as 2922.17m²)
4. Area details of parking building is not recorded in the area statement.
5. Detailed drawings of the proposed building, buildings under construction and completed building (sections, elevations stating all floor plans, entrance levels as per the plan and other details) are not submitted.
6. Detailed area statement of each block stating built up area, floor area and carpet area were not produced.
7. Site plan has to be submitted along with contour map stating the building layout and finished ground levels. Details of proposed building, completed building and the building under construction are to be separately mentioned in the said site plan.
8. Key plan stating the details of entire building is not available.
9. Parking plan stating the car parking area, two-wheeler parking area and the disabled person's parking area and the width and slope of drive way to parking area is not made available.
10. The plans to be submitted shall contain the details of layout as per KPBR especially, the plan showing the access to the road.

Yours faithfully,

Sd/-
 Baiju K
 Town Planner
 For Chief Town Planner

Office Seal

Copy to,

1. Town Planner Idukki
2. K M Moosa Chairman Noorul Islam Trust Kumaramangalam Idukki.

This is the true translation of document marked as ANNEXURE- II in the Counter Affidavit submitted by 15th respondent in Original Application No. 188/2021 of the National Green Tribunal, Southern Zone, Chennai.



P. RAJU
 27-01-2023
 P. RAJU
 Advocate & Notary Public
 Roll No: K/203/1980
 Muvattupuzha, Kerala, India
 Mob: 9447357938

ANNEXURE III

**PROCEEDINGS OF THE CHIEF TOWN PLANNER
THIRUVANATHAPURAM**

Sub: - Town and Country Planning Department-Office of the Chief Town Planner-Technical Wing Thiruvananthapuram-Idukki District-Kumaramangalam Gramapanchayat Kumaramangalam Village-Construction of Building for Medical Purpose-Layout approval-Orders issued.

Ref: 1. Letter No: A3-4095/2015 dated 04/1/2016 and 26/11/2016 of the secretary Kumaramangalam Grama Panchayat.
2. Letter No: D-109/2016 of the Town Planner Idukki dated 27/5/2016 and 09/06/2016.

Section – Application for Building Construction.

Order No: C2 11863/2016/D. Dis.

Dated 16/01/2017

Based on the verification of the application submitted by Shri K. M. Moosa as per letter reference cited above seeking approval for construction of buildings for medical college and allied buildings with a total area of 127160.94 m² in 11.2521 Hector land in the Kumaramangalam Gram panchayat comprised in Resurvey Nos 99/5, 100/1, 84/1, 84/3-4, 84/4—2, 84/3-5, 84/3-1, 84/1-1, 406/5, 406/1, 84/3-1, 84/4-1, 84/3-2, 404/1, 404/3, 88/3, 88/2, 88/1, 406/3, 406/6, 89/7, 82/2, 89/6, 398/3, 398/9, 405/1 of Kumaramangalam Village in Idukki District, approval is hereby granted for building layout and land utilization subject to the provisions of K.P.B.R 2011 and on compliance of the conditions mentioned below;

Conditions:-

1. Before sanctioning Building Permit/Occupancy Certificate the Secretary Kumaramangalam Gram Panchayat shall ensure that the following conditions are fully complied with and other statutory NOC/ Permissions were obtained by the applicant.
2. The Secretary of the Gram Panchayat, based on documentary proof, shall make sure as to the ownership of land, survey numbers, extent, boundaries, measurement and applicant's right to construct as per Rule 11 of KPBR 2011 and to ensure that the land of proposed construction will not come under the category of "puramboku land."
The construction shall be strictly in accordance with provisions of KPBR 2011 as amended up to date and other applicable laws.
4. Waste management system should be installed for disposal of solid and liquid waste.



*From Malayalam
to English*

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5. If cutting and filling of land is required necessary NOC from the concerned department should be obtained.
6. If the land where the construction / development activities are proposed comes under the area where provisions of Kerala Conservation of Paddy Land and Wetland Act 2008 and circulars made thereunder by the Government and Kerala Land Utilization order are applicable, then the construction should be strictly in accordance with the said Act and Order.
7. The proposed construction should be regularized by the Secretary as per chapter XXII of K.P.B.R
8. Regularization of the proposed construction shall be allowed only after getting the approval of State Environment Impact Assessment Authority.
9. The proposed construction shall be strictly in accordance with Rule 37 (5)
10. A set back at 7.5 meter should be provided around the incinerator.
11. It should be make sure that the slope of the roads inside this proposed plot is feasible and free movement of the vehicles through the road is well maintained.

This order is not a permission to start construction. Construction shall be started only after getting permission for construction as per Building Construction Rules from the concerned Local Self Government Department.

(Approved Site Plan No. 08/2017)

By order of the chief Town Planner
sd/-
SJ Durga
Town Planner

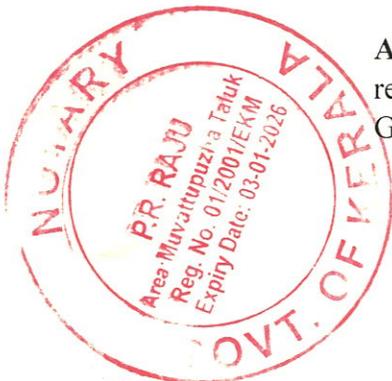
Enclosure: Plan – 1 set.

Secretary Kumaramangalam Grama Panchayat Idukki

- Copy to ; 1. Sri. K.M Moosa, Chairman Nooral Islam Trust Kumaramangalm Idukki
2. Town Planner Idukki
3. Website
4. File
5. Extra

B.60/2017

This is the true translation of document marked as ANNEXURE- III in the Counter Affidavit submitted by 15th respondent in Original Application No. 188/2021 of the National Green Tribunal, Southern Zone, Chennai.



P. R. RAJU
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Muvattupuzha, Kerala, India
Mob: 9447357938

ANNEXURE – IV

KUMARAMANGALAM GRAMPANCHAYAT
KUMARAMANGALAM P.O THODUPUZHA, IDUKKI PIN – 685608

Phone (04862) 200687

No.A3-3122/18

Date 01/09/2016

From,
 Secretary

To,
 Chief Town Planner
 Thiruvananthapuram.

Sir,

Sub: - Kumaramangalam Gramapanchayath-Construction of building for medical purpose-Lay out Approval-Orders issued-Reg.

Ref: That office Order No. C2-1863/2016/C Dis dated 16/01/2017.

The lay out approval reference cited above granted to Noorul Islam Trust for construction of Medical College has been received in this office. But the approved building plan has not been received along with the same. If the approved plan is sent along with the same it is requested to kindly send two set of certified copy of the approved plan to this office.

Yours faithfully,

Sd/-

Shaju Mathew
 Secretary
 Kumaramangalam Gramapanchayat
 Kumaramangalam PO, PIN 685 605.

Office Seal

This is the true translation of document marked as ANNEXURE- IV in the Counter Affidavit submitted by 15th respondent in Original Application No. 188/2021 of the National Green Tribunal, Southern Zone, Chennai.



From Malayalam
 to English

P. R. RAJU
 Advocate & Notary Public
 Roll No: K/203/1980
 Muvattupuzha, Kerala, India
 Mob: 9447357938

**KUMARAMANGALAM GRAMPANCHAYAT
KUMARAMANGALAM P.O THODUPUZHA, IDUKKI PIN – 685608**

Phone (04862) 200687

Email: kumaramangalamgramapanchayath@gmail.com

No.A3-2851/16

Date 09/01/2016

From,

Secretary

To,

Administrator

Al Azhar Medical College and Super Specialty Hospital
Perumpillichira

Sir,

Sub: - Construction of building for medical college-Regularization-Reg

Ref:

With regard to the above subject this is to inform that in the site inspection conducted by the Technical Wing the following deficiencies are noted in your application,

1. NOC from Fire and Rescue Services has to be submitted.
2. NOC from Pollution Control Board has to be submitted.
3. NOC from State Environment Impact Assessment Authority has to be submitted.

You are informed to cure the deficiencies noted above for further process of your application

Yours faithfully,

Sd/-

Shaju Mathew

Secretary

Kumaramangalam Gramapanchayat

Kumaramangalam PO, PIN 685 605.

--Office Seal--

This is the true translation of document marked as ANNEXURE- V in the Counter Affidavit submitted by 15th respondent in Original Application No. 188/2021 of the National Green Tribunal, Southern Zone, Chennai.



*From Malayalam
to English's*

P. R. RAJU
27.2.2023

P. R. RAJU
Advocate & Notary Public
Roll No: K/203/1980
Muvattupuzha, Kerala, India
Mob: 9447357938

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...RESPONDENTS

**TYPESET OF DOCUMENTS –
VOLUME II**

M/s. K. Gowtham Kumar, (M/s. 1405/2007)
Athiban Vijay A.K., (M/s. 1953/2016)
N.S. Amogh Simha, (M/s. 2493/2018)
Gayathri R., (M/s. 3151/2017)
Balaji A.P., (M/s. 1757/2020)
Sanjay N. Gandhi, (M/s. 3480/2021)

**COUNSEL FOR 15TH
RESPONDENT
9566139138**