

SPEED POST

**F.No. J-170011/18/96-IA.III
Government of India
Ministry of Environment and Forests
(IA-III Division)**

**Room No: 143,
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003,**

Dated: 29th December, 2011


**To
All Members of NCZMA**

**Subject: Convening of the 23rd Meeting of the National Coastal Zone
Management Authority - Reg.**

In continuation to the Ministry's letter of even number dated 23.12.2011 on the subject mentioned, the agenda for the meeting is enclosed.

2. I am directed to request you to make it convenient to attend the meeting.

Yours faithfully,



**(Lalit Kapur)
Director (IA-III)
Telefax: 2436 8526**

Encl: as above

Copy for information:

- 1. PS to Secretary (E& F)**
- 2. PS to Special Secretary (JMM)**
- 3. PS to Adviser (NB)**

Agenda for the 23rd Meeting of the NCZMA to be held on 04.01.2012

TIME: 2.30 PM

- Agenda item No. 1.** Confirmation of the Minutes of the previous Meeting held on 30.05.2011.
- Agenda item No. 2.** Action taken on the Minutes of the previous Meeting.
- Agenda item No. 3.** Consideration of appeal by M/s Quilon Education Trust as per the order of Hon'ble High Court, Kerala in WP 22652 of 2011
- Agenda item No. 4** Consideration of representations on categorization of CRZ areas in Worli, Mumbai as per the Order of the Hon'ble High Court of Bombay in WP No. 930 of 2011 and 946 of 2011.
- Agenda item No. 5** Any other items with the permission of the Chairman.

Agenda item No. 2. Action taken on the Minutes of the previous Meeting.

The 22nd Meeting of the National Coastal Zone Management Authority (NCZMA) was held on 30th May, 2011 at 11.00 A.M. under the chairmanship of Shri T. Chatterjee, Secretary (E&F). Copy of the Minutes is enclosed at Annexure-I.

Consideration of a Petition made by Dr. V. S. Gopalan against the order of the Kerala Coastal Zone Management Authority as per the order of Hon'ble High Court, Kerala in WP 31146/2010.

This petition is against the Notice issued by KCZMA under Section 5 of the Environment (Protection) Act, 1986 against the unauthorized construction. The Authority, after deliberation decided to reiterate the stand taken by the KCZMA vide order dated 17.08.2010 and recommend the same to the Ministry for further action. Accordingly, Ministry directed the KCZMA under Section 5 of Environment (Protection) Act, 1986 to proceed against the violation under the provisions of Environment (Protection) Act, 1986.

Reconsideration of the reclassification done from Dona Paula cove / bay to Vaingunim Beach as CRZ-II based on the Order of the Hon'ble High Court of Bombay.

The Authority observed that though technically it was a developed area, but was not legally designated as urban area. In compliance to the Order, hearing was given to the affected parties and they claimed based on Census Act and certain judgments that the census town and Planning area can be considered as legally designated urban area.

The Department of Legal Affairs, Ministry of Law was requested to offer opinion whether, census town / planning area can be considered as a Legally designated Urban area?. Ministry of Law opined that the Census Town or Planning area can not be considered as Legally designated urban area. Accordingly, it is proposed to with draw the reclassification of areas with prospective effect as per the order of the High Court.

Factual correction of CZMPs

NCZMA has decided that proposals for reclassification should not be considered in view of the CRZ notification, 2011. As recommended by the NCZMA, OM was issued on 'Reclassification of Coastal Regulation Zone area on the grounds of "Error apparent on face of the Record' on 08th August, 2011.

Agenda item No. 3. Consideration of appeal by M/s Quilon Education Trust as per the order of Hon'ble High Court, Kerala in WP 22652 of 2011

The matter relates to a construction of an engineering college at Adichannlor Village of Kollam District, Kerala in violation to the Coastal Regulation Zone Notification, 1991. The matter was dealt by Kerala Coastal Zone Management Authority (KSCZMA) who had issued Direction on 25.03.2011 to stop the construction. M/s Quilon Education Trust has challenged the order of KCZMA before the Hon'ble High Court .

Hon'ble Court has ordered that the petitioner to approach the Ministry and the Ministry will place the matter before National Coastal Zone Management Authority and pass an order after hearing all the concerned.

Accordingly, the Petitioner has filed appeal before NCZMA **Annexure-II.**

Major points made out in the representation are

- i) The name and the area of the Panchayat has not been demarcated in the approved Coastal Zone management Plan therefore it is not CRZ,
- ii) The adjoining river is fresh water and therefore is not a coastal water body,
- iii) The land adjoining the river has submerged leading to the increase of the river body. The original river body width is less than 15-20 meters and it has increased due to excessive sand mining.

- iv) The constructions carried out are beyond 25 meters and is thus not against the CRZ norms"

Agenda item No. 4 Consideration of representations on categorization of CRZ areas in Worli, Mumbai as per the Order of the Hon'ble High Court of Bombay in WP No. 930 of 2011 and 946 of 2011.

The proposal of Slum rehabilitation scheme for Mayanagar Co-operative Housing Society at Worli was received from the Maharashtra Coastal Zone Management Authority (MCZMA) on 04.06.2009. It was observed that the proposed development falls in parks, play grounds falling within CRZ-II areas which were categorized into CRZ-III and as per the approved CZMP of Maharashtra, development of residential/ commercial use of such garden/ open spaces are not permissible. The project was accordingly rejected on 31.08.2009.

The applicant has filed a WP wherein it was stated that he had filed an appeal before the NCZMA claiming that the parks, play grounds falling within CRZ-II areas which were categorized into CRZ-III to be retained as CRZ-II. Ministry informed the Court the following:

- (i) The appeal is not maintainable since the order dated 31.08.2009 was a rejection of the clearance for the project proposal which is not under the purview of NCZMA and NCZMA deals only the policy/ classification of CRZ areas.
- (ii) The prayer made out in the appeal is for reclassification of CRZ - III area into CRZ-II. As per the mandate of MCZMA, II (ii) of MCZMA Notification such reclassification proposals shall be examined and recommended by the MCZMA to the NCZMA. In this case such recommendation is not in record. Hence, appeal cannot be maintainable.
- (iii) Further, Ministry has issued CRZ Notification, 2011 on 06.01.2011. The issues of reclassification of CRZ area were discussed by the NCZMA on 19.04.2011 and 31.05.2011 and decided that "no reclassification of CRZ areas of CZMP approved in 1996 under the CRZ Notification, 1991, except for Defence / Security matters, Court directions and error evident on record, will be considered by the Ministry. The respective SCZMAs shall consider such

reclassification issues while preparing the CZMPs under the new CRZ Notification of 2011" Accordingly an office Memorandum was issued on 01.07.2011 which is available on the Ministry's website.

Hon'ble Court had disposed the WP directing the NCZMA to consider the appeal as representation and decide the petitioner representations. Petitioner accordingly submitted representation appeal before NCZMA. **Annexure-III.**

Major points made out in the representation are

- (i) The said plot is reserved for garden as on 19.02.1991 however, it was encroached and occupied by the slum and latter on it was declared as censuses slum hence,
- (ii) In view of the above, it can not be categorized as CRZ-III ."