



2025:KER:21638

WP(C) NO. 4325 OF 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 13TH DAY OF MARCH 2025 / 22ND PHALGUNA, 1946

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PETITIONER:

RAJAMMA.A.S.,
AGED 64 YEARS, D/O LATE SIVATHAMAN,
ARAKKAPPARAMBIL HOUSE, MULAVUKAD PANCHAYATH,
PANAMBUKADU DESAM, VALLARPADAM.P.O,
PIN - 682504

BY ADV O.H.NAZEERBA

RESPONDENTS:

- 1 THE MULAVUKAD GRAMA PANCHAYATH,
REPRESENTED BY SECRETARY, MULAVUKAD, VALLARPADAM,
PIN - 682504
- 2 THE SECRETARY,
THE MULAVUKAD GRAMA PANCHAYATH,
MULAVUKAD, VALLARPADAM, PIN - 682504
- 3 THE SUB COLLECTOR,
(THE REVENUE DIVISIONAL OFFICER,)
OFFICE OF THE REVENUE DIVISIONAL OFFICE, KOCHIN,
PIN - 682011
- 4 THE KERALA COASTAL REGULATION MANAGEMENT
AUTHORITY, REPRESENTED BY ITS CHAIRMAN,
SASTRA BHAVAN, PATTOM , THIRUVANANTHAPURAM,
PIN - 695004



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BY ADVS.
T.K.AJITHKUMAR (VALATH), SC, MULAVUKAD GRAMA
PANCHAYAT
SRI.PRAKASH M.P., SC, KCZMA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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JUDGMENT

This writ petition is submitted by the petitioner, who is aggrieved by the rejection of the application for a building permit as per Ext.P4 by the 2nd respondent. The reason for the rejection was that it was not in accordance with the Coastal Regulation Zone Notification 2011.

2. Today, when the matter came up for consideration, learned Counsel appearing for the petitioner submitted that, the new Coastal Zone Management Plan has been notified as per Coastal Regulation Zone Notification 2019, which came into force with effect from 16.10.2024. As per the new Coastal Zone Management Plan, the criteria for identifying the No Development Zone is different and according to the petitioner, as per the new criteria, the property of the petitioner would fall beyond the said zone and hence the legal impediment which was in existence when the application submitted by the petitioner was originally considered, is no longer in existence. Therefore, the application of the petitioner is to be reconsidered in the light of the stipulation contained in the



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Coastal Zone Management Plan duly notified with effect from 16.10.2024. Besides, the learned Counsel also brought the notice of this Court to the stipulations contained in Regulation 7(vi), which reads as follows:

“(vi) Only for self-dwelling units up to a total built up area of 300 square meters, approval shall be accorded by the concerned local Authority, without the requirement of recommendations of concerned Coastal Zone Management Authority and such authorities shall, however, examine the proposal from the perspective of the Coastal Regulation Zone notification before according approval.”

As per the same, in respect of self dwelling unit up to total built up area of 300 square meters approval for construction can be granted by the concerned local authority, without the requirement of the recommendations of the concerned Coastal Zone Management Authority, subject to the condition that the approval has to be granted in terms of the Coastal Zone Management Plan notified.

After considering all relevant aspects and hearing the



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respective Counsel for the petitioner, I am of the view that, in the light of the new Coastal Regulation Zone Notification, 2019 this writ petition can be disposed of. Accordingly, it is ordered that, the Ext.P4 order issued by the 2nd respondent rejecting the application submitted by the petitioner for building permit shall stand quashed and there shall be a direction to the competent authority of the Mulavukad Grama Panchayat, to reconsider the application submitted by the petitioner, in the light of the Coastal Zone Management Plan notified as per Coastal Regulation Zone Notification, 2019 and grant the same, if it is otherwise in order. It is further clarified that, if the proposed construction of the petitioner falls within the ambit of Regulation 7(vi) as referred to above, it is not necessary to obtain the approval of the Coastal Zone Management Authority.

Sd/-
ZIYAD RAHMAN A.A.
JUDGE

SCS



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APPENDIX OF WP(C) 4325/2024

PETITIONER EXHIBITS

- Exhibit P1** **THE TRUE PHOTOCOPY OF THE SALE DEED NO: 529/1/2021 DATED 22/01/2021**
- Exhibit P2** **COPY OF THE ORDER NO. K 10- 2171/2022[10] OF THE 3RD RESPONDENT DATED 04/07 2022**
- Exhibit P3** **TRUE COPY OF THE ORDER DATED 27/07/22 BY ORDER NO. T.A (1) 839/2022 ISSUED BY THE PRINCIPAL AGRICULTURAL OFFICER CIVIL STATION ,ERNAKULAM.**
- Exhibit P4** **A TRUE COPY OF THE REJECTION ORDER OF THE 2ND RESPONDENT TO THE PETITIONER DATED 28/04/2023 BY ORDER NO: 400614/BADC01/GPO/2023/3657/(5)**
- Exhibit P5** **ORIGINAL PHOTOGRAPH OF THE LAND**
- Exhibit P6** **TRUE COPY OF THE LOCATION SKETCH OF THE PROPOSED PROPERTY NO:569/22**
- Exhibit P7** **TRUE COPY OF THE TAX RECEIPT DATED 17/01/2024 ISSUED BY THE MULAVUKAD VILLAGE OFFICE**
- Exhibit.P8** **A TRUE COPY OF THE POSSESSION CERIFICATE DATED 27/01/24. ISSUED BY THE MULAVUKAD VILLAGE OFFICE**

RESPONDENT EXHIBITS

- Exhibit R2(a)** **True photo copy of the letter dated 10-4-2023 along with decision of the**



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**District Coastal Zone Management
Committee**