

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN**

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WA.No. 974 of 2015 () IN WP(C).28459/2014

**AGAINST THE ORDER/JUDGMENT IN WP(C) 28459/2014 of HIGH COURT OF KERALA
DATED 27-11-2014**

APPELLANT(S):

**THE KERALA COASTAL ZONE MANAGEMENT AUTHORITY,
SASTHRA BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MEMBER SECRETARY,
DR.K.K. RAMACHANDRAN, S/O. K.K. RAGHAVAN,**

BY ADV. SRI.K.R.SUNIL, KERALA COASTAL ZONE MANAGEMENT AUTHORITY

RESPONDENT(S):

**1. PEARLS INFRASTRUCTURE PROJECTS LTD.,
H.NO.CC/53/2047, GIRINAGAR CLUB ROAD, NEAR KSEB OFFICE,
KADZVANTHARA - 682 047.
REPRESENTED BY ITS AUTHORISED SIGNATORY SAJI VARGHESE,
AGED 52,
S/O. UMMEN VARGHESE**

**2. THE CORPORATION OF COCHIN,
OFFICE OF THE CORPORATION OF COCHIN,
ERNAKULAM.
REPRESENTED BY ITS SECRETARY.**

**R2 BY ADV. SRI.RAAJESH S.SUBRAHMANIAN,SC,COCHIN CORPORATION
R1 BY ADV. SRI.K.B.PRADEEP**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

WA.No. 974 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS:

- ANNEXURE A1: TRUE COPY OF THE WRIT PETITION AND THE STATEMENT FILED BY THE APPELLANT.**
- ANNEXURE A2: THE JUDGMENT DATED 27.11.2014 IN W.P.(C) NO.28459/14.**

RESPONDENT'S EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.**

W.A.No.974 of 2015

Dated this the 28th day of September, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.The Kerala Coastal Zone Management Authority is in appeal.

- 2.The 1st respondent, a builder obtained permit from the Cochin Corporation for construction of a multi storied building. It is submitted on a query by us that the structure which has now been completed has 90 dwelling units. When the construction was completed and occupancy certificate was applied for, the Corporation issued Exhibit P7, requiring the builder to get NOC from the Kerala Coastal Zone Management Authority. The builder moved this Court by filing a writ petition. The learned single Judge allowed it. The Kerala Coastal Zone Management Authority is, therefore, in appeal, challenging that decision.

3. Heard the learned counsel for the appellant, the learned counsel for the 1st respondent and the learned standing counsel for the Cochin Corporation.

4. The learned single Judge noted that, on the basis of the findings of the Corporation authorities in its files, there is a clearance of more than 100 meters from any water line, in so far as the construction in question is concerned. It was also noted that the coastal regulation zone issues raised by the Authority do not really have any application, since they depend upon the tidal lines and there is no such issue in the vicinity of the building in question. What seems larger is the fact that the Corporation had granted permission to build. At that time, the Corporation did not have a case that the structure is proposed to be put up in a water body. While the Kerala Coastal Zone Management Authority says that the google mapping and other particular materials reflect that this is a reclaimed piece of land, we are of the view that once a person is permitted to put up a construction, that has necessarily to be taken as a grant for putting up a construction for occupation. We say this because, the Corporation had the authority to grant

permission to construct and when somebody spends to put up such constructions, the institutions of governance cannot turn around and refuse ownership certificate.

5. We see no ground to interfere with the directions issued by the learned single Judge after assimilating the facts and materials on record. This writ appeal, therefore, fails.

In the result, this writ appeal is dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG