

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 11231 of 2015 (S)

PETITIONER(S) :-

1. RAMJITH, AGED 30 YEARS, S/O.SUKU
SURESH BHAVAN, CHAKKARATHOPPU, KOLLAM (DT) PIN.691598
2. ANIL KUMAR, AGED 52 YEARS
S/O.KRISHNANKUTTY, LATHIKA BHAVAN
THURUTHIL ULIYAKKOVIL, KOLLAM (DT) - 691 593.

BY ADV. SRI.SUNNY ZACHARIAH

RESPONDENT(S) :-

1. DISTRICT COLLECTOR
KOLLAM DISTRICT, CIVIL STATION, KOLLAM-691 501.
2. KERALA COASTAL ZONE MANAGEMENT AUTHORITY
REPRESENTED BY THE JOINT SECRETARY
SCIENCE AND TECHNOLOGY (A), SASTHRI BHAVAN
PATTOM THIRUVANANTHAPURAM - 671 804.
3. KOLLAM CORPORATION REPRESENTED BY ITS SECRETARY
CORPORATION BUILDING, KOLLAM - 691 501.
4. REGI NAIR, 'SHRI SHRI', DESINGANADU NAGAR, THIRUMULLAVARAM
KOLLAM - 691 508.
5. BABU RAJAN, 'SRI DHAM', DESINGANADU NAGAR
THIRUMULLAVARAM, KOLLAM- 691 508.
6. RAJEEV, DIYA GARDENS, LAKE DARSAN NAGAR, 56
VADAKKUMBHAGOM, KOLLAM - 691 506.
7. M. AHNAZ, DIYA GARDENS, LAKE DARSAN NAGAR, 56
VADAKKUMBHAGOM, KOLLAM - 691 506.

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R3 BY SRI.M.K.CHANDRA MOHAN DAS, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07-04-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 - THE PHOTOGRAPHS OF THE ILLEGAL CONSTRUCTIONS OF THE 4TH RESPONDENT.

EXT.P2 - THE PHOTOGRAPHS OF THE ILLEGAL CONSTRUCTIONS OF THE 5TH RESPONDENT.

EXT.P3 - THE PHOTOGRAPHS OF THE ILLEGAL CONSTRUCTIONS OF THE 6TH RESPONDENT.

EXT.P4 - THE PHOTOGRAPHS OF THE ILLEGAL CONSTRUCTIONS OF THE 7TH RESPONDENT.

EXT.P5 - TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER TO THE 1ST RESPONDENT DATED 3.02.2015.

EXT.P5(a) - TRUE ENGLISH TRANSLATION OF EXHIBIT P5.

EXT.P6 - TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 23.01.2015.

EXT.P6(a) - TRUE ENGLISH TRANSLATION OF EXHIBIT P6.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

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Dated this the 7th day of April 2015

J U D G M E N T

Ashok Bhushan, C.J

Heard the learned counsel for the petitioners as well as the learned counsel appearing for the 3rd respondent.

2. This writ petition has been filed as a public interest litigation matter praying for the following reliefs :-

- “(a) to call for the records from the 3rd respondent leading to the grant of building permit for the construction of three separate building and its compound wall, respectively to respondent No.4 to 6 in the bank of Ashtamudi Backwater in the locality called Matheri Vayal of Kollam West Village, and to the 7th respondent in the bank of Ashtamudi Backwater in the locality Vilappuram (Thiruvadivattom) of Kollam Vadakkumbhagom Village;
- (b) to issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 3 to demolish the already made constructions of residential building, compound wall and all other constructions, and also to stop all further constructions being made in violation of Coastal Zone Regulation by the respondents 4 to 6 in the bank of Ashtamudi Backwater at the locality called Matheri Vayal of Kollam West Village, and to the 7th respondent in the bank of Ashtamudi Backwater in the locality Vilappuram (Thiruvadivattom) of Kollam Vadakkumbhagom Village;
- (c) to direct the higher authorities of the 3rd respondent to take appropriate departmental action against the 3rd respondent for illegally issuing building permit to the respondent Nos.4 to 7.
- (d) to direct the respondent No.1 and 2 to initiate legal action under criminal law against the respondent Nos.4 to 7 for effecting unauthorised constructions in violation of CRZ, and also the 7th respondent for constructing of compound wall

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encroaching into the government land and stretching into the backwater.”

3. The allegations in the writ petition are against the private respondents, who, according to the petitioners, have constructed buildings violating the criteria and prohibitions laid down in the Coastal Zone Regulation (CRZ) notification as well as the Rules applicable for the construction of building. The petitioners, in the writ petition, have referred to certain complaints sent to the Collector, which have been brought on record as Exts.P5 and P6.

4. We have perused the records and considered the submissions made by the learned counsel appearing for the parties.

5. The allegations made in the writ petition are with regard to particular individual buildings, where the allegation is that the buildings are constructed in violation of the statutory provisions. The issue as to whether the constructions are made in violation of the statutory provisions have to be gone into by the competent authorities.

In the above view of the matter, we are of the opinion that this writ petition can be closed giving liberty to the petitioner to file appropriate complaints before the 2nd and 3rd

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respondents, who shall look into the complaints and take such action as required under law.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt