

**OFFICE OF THE CHIEF TOWN PLANNER, THIRUVANANTHAPURAM  
PROCEEDINGS**

Sub: Extension of building permit for the construction of telecommunication tower in Re Sy. No22 of Kollam west Village in Kollam Corporation – approval of usage of plot and layout of buildings - reg

Ref: 1. Interim order 06.04.2022 in W.P(C) No. 21629/2021 of the Hon'ble High Court of Kerala  
2. Letter No. TP7/22442/20(BA30/20-21) dated 18.04.2022 of the Secretary, Kollam Corporation

**ORDER NO. TCPCTP/976/2022-E3 DATED 19/05/2022**

The hon'ble high Court of Kerala, vide reference cited 1<sup>st</sup> above, directed the Secretary, Kollam Corporation to forward the application submitted by M/s. ATC Telecom Infrastructure (P) Ltd, the petitioner in the Writ Petition to the Chief Town Planner for considering the same and to pass necessary orders. Accordingly, the Secretary, Kollam Corporation furnished the application for extension of building permit for the construction of telecommunication tower in Re Sy. No. 22 of Kollam west Village in Kollam Corporation by the petitioner to the office of the Chief Town Planner vide reference cited 2<sup>nd</sup> above. The application was scrutinized with respect to the provisions of Kerala Municipality Building Rules 2019 and sanctioned Development Plan for Kollam.

The plot mentioned in the Writ Petition falls in Residential Zone of sanctioned Development Plan for Kollam. As Per the Zoning regulation of the sanctioned Development Plan for Kollam, concurrence of the Chief Town Planner is required for the construction of telecommunication towers in plots which comes under Residential Zone of sanctioned Development Plan. However Rule 86(2) of Kerala Municipality Building Rules 2019 stipulates that " Telecommunication towers or pole structures or accessory rooms shall be permitted in any zone of Master Plan / Detailed Town Planning Scheme / Interim Development Order in force under the Kerala Town and Country Planning Act, 2016 (9 of 2016) , if any, or over any building irrespective of its occupancy". On the basis of Rule 86(2) of Kerala Municipality Building Rules 2019, vide judgment dated 28.07.2021 in WPC No.11807/2021, the hon'ble high Court held that Telecommunication towers are permissible in any zone of Master Plan / Detailed Town Planning Scheme / Interim Development Order in force under the Kerala Town and Country Planning Act, 2016 (9 of 2016).

In the above circumstances, the hon'ble high Court upheld that Rule 86(2) of Kerala

Municipality Building Rules 2019 prevails over the provisions of sanctioned Development Plan for Kollam. Therefore, Kollam Corporation may issue the extension of building permit for the construction of telecommunication tower as per the provisions of Kerala Municipality Building Rules 2019.

Hence the directions of the Hon'ble High court in W.P(C),No. 21629/2021 has been complied with.

Signature valid

Digitally signed by Pramodkumar C.P  
Date: 2022.05.19.15:19:09 IST  
Reason: Approved

Chief Town Planner

- To:
1. The Secretary, Kollam Corporation.
  2. The Town Planner, Kollam
  3. M/S. ATC Telecom Infrastructure (P) Ltd., ATC house, 65/1826-28, Cheramangalath, Shenoy road, Kaloor, ernakulam
  4. The advocate general, Ernakulam
  5. Website
  6. File TCPCTP/413/2022-E1