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Legal tactics delay Eva Beach demolition

PHUKET: Legal manoeuvres have once again stalled the demolition of the controversial Eva Beach project in Rawai, as a fresh lawsuit has forced the long-running case back before the Administrative Court.

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[By The Phuket News](#)

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The dispute, stretching back more than a decade, centres on a vacation home development that Thailand’s Supreme Administrative Court ruled in September 2023 was [built unlawfully](#).

Despite demolition orders, enforcement has been repeatedly delayed by new lawsuits filed by successive buyers of the project, described by officials as a tactic to “buy time through legal procedure”.

The latest case was confirmed at a meeting of Phuket’s Expert Committee on Environmental Impact Assessment (EIA) reports, held at the Phuket Provincial Natural Resources and Environment Office (MNRE Phuket) last week.

Natthakrit Phonphet, who as Deputy Chief of MNRE Phuket is also Chief of MNRE Phuket’s EIA committee, said a second buyer has now filed a suit, claiming changed coastal conditions compared to when the original EIA was approved. The court has agreed to hear the case.

“The project has been through litigation before. Ten years ago, a buyer sued the Rawai Municipality and the EIA team,” Mr Natthakrit explained. “The Supreme Administrative Court ultimately ruled that the Rawai Mayor and the [previous members of the] EIA committee acted unlawfully and negligently in approving the permits.”

That ruling, finalised on Sept 15, 2023, under case number Aor 1465/2566 (2023), confirmed an earlier decision by the Nakhon Sri Thammarat Administrative Court in 2017.

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The Supreme Administrative Court found that Eva Beach’s buildings exceeded height limits, violated spacing regulations, included illegal landscaping on public land, and had been partly constructed under improperly issued permits. The developer, Eva Group, was ordered to remove the unlawful structures.

Mr Natthakrit noted that while demolition orders remain in force, progress has been hindered by successive cases brought forward by new buyers, each reopening the issue under different grounds.

The meeting last week, chaired by Phuket Vice Governor Samawit Suphanphai, also addressed wider EIA business.

Officials and private sector representatives reviewed four major projects currently seeking approval: the Hennessy Residence condominium (conversion) by Art Property Co Ltd; the Banyan Tree Beach Residence Kianda condominium by Laguna Grande Co Ltd; the Charoensin Thani Dome Prai project extension by Charoensin Asset Co Ltd; and the Thavorn Beach Village & Spa hotel extension, also by Charoensin Asset Co Ltd.

Vice Governor Samawit stressed that transparency and balance remained priorities in the screening process. “All sectors are involved to ensure that Phuket’s economic growth goes hand-in-hand with responsible land use and sustainable environmental conservation,” he said.

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