

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE SITTING AT CHENNAI

**ORIGINAL APPLICATION NO. 118 of 2021 (SZ)**

**IN THE MATTER OF :**

D. Sakthivel,  
Periyasemur, Erode District - 638 004 ... Applicant

and

1. The District Collector  
Erode District,  
Erode - 638 001 and others ... Respondents.

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**Place : Chennai**

**Date : 06.08.2021**

**FILED BY :**



**V.B.R. MENON**  
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE SITTING AT CHENNAI

**ORIGINAL APPLICATION NO. 118 of 2021 (SZ)**

**IN THE MATTER OF :**

D. Sakthivel,  
S/o. Devaraj,  
No.23, Main Road,  
Pavai Thanneerpandal Palayam,  
Periyasemur, Erode District - 638 004

... Applicant

And

1. The District Collector  
Erode District,  
Collectorate Complex, State Highway 96,  
Opp. District Court, Palayapalayam,  
Erode - 638 001
2. The District Revenue Officer,  
Erode District, Collectorate Complex,  
State Highway 96, Opp. District Court,  
Palayapalayam, Erode - 638 001
3. The Joint Chief Controller of Explosives,  
A and D Wing, Block 1 – 8  
Shastri Bhavan, No.26, Haddows Road,  
Nungambakkam, Chennai -600 006
4. The Divisional Engineer,  
Highways Department (C&M)  
Erode Division, Bharathi Nagar,  
Moolapalayam, Erode - 638 002
5. The Commissioner,  
Erode City Municipal Corporation ,  
No.894, Meenatchi Sundaranar Road,  
Erode - 638 001
6. The Territory Manager,  
Bharat Petroleum Corporation Ltd.,  
Coimbatore Retail Territory Office,  
Ravathur Post, Irugur Via  
Coimbatore - 641 103
7. The Chairman,  
Tamilnadu Pollution Control Board (TNPCCB),  
No.76, Mount Salai, Guindy, Chennai - 600 032



8 The Regional Director,  
Regional Directorate (South)  
Central Pollution Control Board (CPCB),  
2<sup>nd</sup> Floor, No.77-A, South Avenue Road,  
Ambattur Industrial Estate, Chennai - 600 058 ... Respondents

**OBJECTIONS BY THE APPLICANT TO THE REPORT FILED BY THE  
JOINT COMMITTEE**

**MOST RESPECTFULLY SHOWTH :**

1. It is submits that the Applicant has filed the above Application seeking :

(A) To permanently injunct the 6<sup>th</sup> Respondent from operating the New Road-side Petroleum Retail Outlet on Sathy-Erode Main Road in Survey No. 27/2, Periyasemur Village, Erode District - 638 004 , in gross violation to the Siting Criteria prescribed by the Central Pollution Control Board (CPCB) in Clause "H" of the Office Memorandum No. B-13011/1/2019-20/AQM/10802-10847 dated 07.01.2020 , in close proximity to a water body and in violation to the mandatory norms prescribed in Circular No. 12-2009 by the Indian Road Congress.

and

(B). pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.

2. The Joint Committee has submitted a report pursuant to the direction of this Hon'ble Tribunal vide the order dated 09.06.2021 . A perusal of the said report shall reveal that it has been prepared in a dishonest and prejudiced manner to facilitate the 6<sup>th</sup> Respondent to operate the Petroleum Retail Outlet at the above site in violation to the relevant statutory norms / provisions .

3. The statement in the above report that adequate safety measures have been provided by the 3<sup>rd</sup> Respondent while granting prior site approval with site plan is a lie as could be seen from Annexure Nos.1 and 2 submitted herein. The 3<sup>rd</sup> Respondent has not prescribed any additional safety measures to be provided by the 6<sup>th</sup> Respondent to avail the concessionary distance of 30 M from the School and the residential buildings while granting the prior site approval or the final explosive licence .



4. The facilities listed in Para No.2 of the report are not found in the prior site approval granted by the 3<sup>rd</sup> Respondent. Hence, provision of those equipments by the 6<sup>th</sup> Respondent out of his choice shall not constitute additional safety measures as prescribed under CPCB norms.

5. Even though it has been recorded in the report that a residential building is situated adjacent to the Petroleum Retail Outlet in the eastern side, the resultant violation of CPCB norms in this regard has been ignored by the Committee for obvious reasons, to support the 6<sup>th</sup> Respondent.

6. The statement in the report that a small road side Odai / drain is located at the western side of the Retail Outlet after a small piece of vacant land is an utter falsehood and misrepresentation of facts. The above Odai (water stream) is not a storm water drain as claimed in the report. The Annexure No.3 submitted herein shall show that the above Odai is running through 3 villages before it joins the Cauvery river.

7. The statement that there is a mud road to the west side of the Petroleum Retail Outlet is also another lie as the Petroleum Outlet is abutting the Odai (water stream) as could be verified from the Lease agreement executed in favour of the 6<sup>th</sup> Respondent as well as from the A- register extract and FM sketch submitted by the Applicant. There is no existing road between the canal and the site and the distance of 17 M. mentioned in the report is yet another lie.

8. The remarks of the Joint Committee that the Petroleum Outlet has obtained all mandatory licences / NOC s is again not true because no consent or NOC has been obtained from the Water Resources Department (PWD) which is the controlling authority for water bodies within Tamilnadu. Similarly, no NOC has been obtained from the Highways Department, in spite of the direction issued by the Tamilnadu Government to comply with IRC norms while granting NOC s by the District Authorities.



9. The Joint Committee has also overlooked the violation of G.O. No. 256 of 2015 which prescribes a minimum distance of 100 M between Petrol Pumps and schools as recorded in the Judgment dated 02.03.2021 in WP No. 19255 of 2020 . It is unfortunate that the Joint Committee has ignored the safety and health aspects of the school children while submitting the above erroneous and false Joint Inspection Report , which shall constitute a clear violation of right to life guaranteed under Article 21 of the Constitution of India.

10. It shall be clear , without a pale of doubt, that the Joint Inspection Committee has acted in collusion and under the instructions of the 2<sup>nd</sup> Respondent who is a superior officer of one of the committee members, RDO. . Thus the Joint Inspection Report has been prepared in a malafide and prejudiced manner to the detriment of young school children and the public at large .

11. The Hon'ble Madurai Bench of Madras High Court is also seized of the above issue of permitting Petroleum Retail Outlets in close proximity to water bodies in violation to CPCB norms and has granted an order of Status quo from proceeding further with the proposal vide order dated 23.04.2021 in WP(MD) No. 8417 of 2021 ( Annexure No.4 )

12. The harmful effects of contamination of petroleum products with running streams of water bodies have been considered by the Central Zone of this Hon'ble Tribunal and has passed the order dated 23.07.2020 in OA No. 61 of 2019 (CZ) directing CPCB to formulate appropriate guidelines in this regard. The Joint Inspection Committee appears to be blissfully ignorant of this fact or pretending to be so while submitting the above report.

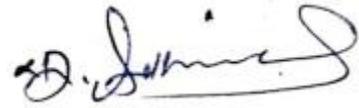
13. Through the above action of submitting a false and erroneous report in a judicial proceeding , the Joint Committee members have committed the offence of perjury under Sec. 340 of Cr. PC , against which the Applicant reserves the right to proceed in accordance with law . It is a clear case of fence eating crops instead of protecting the same .



14. The averments made in the Original Application No. 118 of 2021 (SZ) may be read as a part and parcel of this objections for better appreciation of the facts of the case.

For the reasons stated above, It is prayed that this Hon'ble Tribunal may be pleased to reject and dismiss the above Joint Inspection Report filed by the Joint Committee on the grounds of misrepresentation, falsehood and lies contained therein and thus render justice .

Dated on this the 06<sup>th</sup> Day of August,2021



Applicant

**VERIFICATION**

I, D. Sakthivel , S/o. Devaraj, aged about 40 years, is residing at No. 23, Main Road, Pavai Thanneerpandal palayam, Periyasemur, Erode District - 638 004, do hereby verify that the contents of paras 1 to 14 are true to my personal knowledge and that I have not suppressed any material fact .

Verified at Erode on this the 06<sup>th</sup> Day of August, 2021



Applicant.

**NO PROTECTED AREA LYING WITHIN 100M RADIUS**

TOP PLAN  
SCALE 1:1000

SL	DESCRIPTION	IN SQM	IN SQ FT	S NO	DESCRIPTION	IN METRE
1.	AREA OF TOTAL SITE	1342.58	14461.63	1.	SALES ROOM	3.57 x 2.75
2.	AREA OF SALES BUILDING	39.00	420.00	2.	SAMPLE ROOM	1.80 x 2.75
3.	AREA OF CANOPY	351.00	3778.16	3.	EQUIPMENT	2.47 x 1.84
				4.	DSM	3.00 x 1.84
				5.	STORE ROOM	1.80 x 1.84
				6.	TOILET	1.60 x 1.20

**NOTE:**

- PROPOSAL SHOWN IN RED
- DISMANTLED SHOWN IN YELLOW
- APPROVED BUT NOT CONSTRUCTED SHOWN IN GREEN
- PRO. TANK IS CONFG TO IS 10987
- END PLATE 8MM TH SHELL PLATE 8MM TH
- FILL POINT 3.6M SAFETY RADIUS
- 0.23M THICK BRICK MASONRY COMPOUND WALL 2.0M HT AROUND THE INSTALLATION AREA
- NO ELECTRICAL WIRE PASSING OVER THE SITE
- VENT PIPE 40 MM DIA 6.00M HT AND 4.0M CLEARANCE COVERED WITH TWO LAYERS OF NON-CORRODING METAL WIRE MESH 11 PER LINEAR CM.
- 8 NOS. DCP TYPE FIRE EXTINGUISHERS OF 10KGS CAP. 8 NOS SAND BUCKETS FILLED WITH DRY STAND. 2 NOS OF CO2 TYPE FIRE EXTINGUISHERS WERE PROVIDED AT SITE.
- HSDMS DISPENSING PUMP CONFG. TO IS 2148
- FILL PIPE AND DIP PIPE OF UNDER GROUND TANKS ARE PROVIDED WITH AIR TIGHT THREADED BRASS CAP
- NO SMOKING BOARD DISPLAYED AT SITE.

**CERTIFIED THAT:**

- PERYASEMUR VILLAGE, ERODE DISTRICT IS AS PER THE MOST RECENT GUIDELINES OF MOP & NG APPROVAL CLEARANCE FROM IRC AND OTHER RELEVANT GOVERNMENT DEPARTMENT HAVE BEEN OBTAINED
- NO CASE IS PENDING IN ANY COURT OF LAW AGAINST THIS PERMISES / DEALERSHIP
- THIS IS NOT A RE-SITMENT CASE
- ALL FACILITIES WILL BE INSTALLED EXACTLY AS PER THIS PLAN APPROVED BY CCOENAGPUR, VIDE REP NO PG (S/DATED 09/05/2023)
- ERECTION OF CANOPY IS AS PER IS STANDARD

DRAWINGS APPROVED BY CCOENAGPUR, VIDE

**NEW METAL OUTLET**

**SECTIONAL DETAIL OF CANOPY**

**SECTIONAL DETAIL OF TANK**

**SECTIONAL DETAIL OF UNDERGROUND TANK**

**SECTIONAL DETAIL OF UNDERGROUND TANK**

REVISION	DATE	ZONE OR PART	BRIEF RECORD	INITIAL

LAND DETAILS	STC
VILLAGE	PERYASEMUR
TALUK	ERODE
DISTRICT	ERODE
PINCODE	630004
STATE	TAMIL NADU
NEAREST RAILWAY STATION	ERODE
NEAREST POLICE STATION	ERODE
NEAREST FIRE STATION	ERODE

BHARAT PETROLEUM CORP. LTD.		COMBUSTIBLE TERRYORY (PETAL)	
SUBJECT: <b>NEW METAL OUTLET</b>			
PERYASEMUR VILLAGE, ERODE DISTRICT			
SCALE: 1:500	DATE: 09/05/2023	DESIGNER: [Name]	DRAWN BY: [Name]

**ISSUED UNDER RTI ACT**



भारत सरकार

Government of India

वाणिज्य और उद्योग मंत्रालय

Ministry of Commerce & Industry

पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन (पैसो)

Petroleum & Explosives Safety Organisation (PESO)

A और D - विंग, ब्लॉक 1-8, दूसरा तल, शास्त्री भवन, 26 हड्डोउस रोड, नुंगम्बक्कम  
चेन्नै- 600006

A & D - Wing, Block 1-8, IInd Floor, Shastri Bhavan, 26 Haddous Road, Nungambakkam,  
Chennai - 600006

E-mail : jtccechennai@explosives.gov.in

Phone/Fax No : 044 -

28287118,28281023,28281041,28287119/28284848

Annexure - I

7

पुर्व अनुमोदन संख्या /Prior Approval No :  
A/P/SC/TN/14/10734 (P495111)

दिनांक /Dated : 20/01/2021

सेवा में  
/To,

M/s. Bharat Petroleum Corporation Limited,  
Irugur Top Installation,,  
Ravathur P.O., Irugur (Via)  
Vellalore,  
Coimbatore North,  
Taluka: Coimbatore North,  
District: COIMBATORE  
State: Tamil Nadu  
PIN: 641103

विषय Survey No, 27/2, Periyasemur Village, Periyasemur, Erode, Taluka: Erode, District: ERODE,  
/Sub : State: Tamil Nadu, PIN: 638004 में प्रस्तावित पेट्रोलियम वर्ग A,B Retail Outlet I  
Proposed Petroleum Class A,B Retail Outlet at Survey No, 27/2, Periyasemur Village,  
Periyasemur, Erode, Taluka: Erode, District: ERODE, State: Tamil Nadu, PIN: 638004

महोदय  
/Sir(s),

कृपया आपके उपर्युक्त विषय से संबंधित पत्र संख्या OIN692004 दिनांक 07/01/2021 का संदर्भ ग्रहण करें।  
Please refer to your letter No. OIN692004 dated 07/01/2021 on the subject.

संदर्भित पत्र के साथ अग्रेषित उपर्युक्तन अधिष्ठापन का साइट (स्थल)/ले-आउट, आदि दर्शाता Drawing(s) nos.  
BPCL/CBE/TO/NRO/05/20-21 dated 04/01/2021 को अनुमोदित किया जाता है तथा प्रत्येक आरेखण की  
एक प्रति विधिवत पृष्ठांकित कर लौटाई जा रही है।

The Drawing(s) nos. BPCL/CBE/TO/NRO/05/20-21 dated 04/01/2021, showing the  
site/layout/construction details forwarded with your letter under reference is approved and a  
copy(of each) of the same is returned herewith duly signed in token of approval.

Conditions of the Approval:-

You are advised to upload signed copies of drawings.

You are advised to install only CCOE, Nagpur approved facilities in the proposed  
premises.

You are advised to submit copy of NOC issued by local authority as per Rule 144, The

डा. ए. शेख हुसैन आई.पी.एस.  
DR. A SHEKH HUSSAIN I.P.E.S.  
इस विभाग के विस्फोटक  
Off. Controller of Explosives  
पी.ई.एस.ओ., भारत सरकार, / P.E.S.O. Govt. of India  
दक्षिण मण्डल, चेन्नै-6 / South Circle, Chennai-6.

ISSUED UNDER  
RTI ACT

१/३

**Petroleum Rules,2002 as amended by (Amendment) Rules,2018.**

अनुमोदित प्लान के अनुसार निर्माण होने के पश्चात पेट्रोलियम नियम 2002 के अंतर्गत प्ररूप XIV में अनुज्ञप्ति जारी करने हेतु, कृपया निम्नलिखित दस्तावेज इस कार्यालय को प्रेषित करें ।

On completion of the construction as shown in the approved plan please forward the following documents for grant of licence in Form XIV of the Petroleum Rules, 2002.

1. प्ररूप IX (संलग्न) में विधिवत भरा हुआ एवं हस्ताक्षरित आवेदन ।  
Form IX (enclosed) duly filled in and signed.
2. पेट्रोलियम नियम 2002 के तहत ऑनलाइन आवेदन पोर्टल पर उपलब्ध ई-भुगतान सुविधा के माध्यम से 10000/- (प्रति वर्ष- अधिकतम 10 वर्ष तक) का लाइसेंस शुल्क ऑनलाइन जमा किया जाना है ।  
A license fee of Rs. 10000/- (per year - maximum upto 10 years) to be submitted online through e-payment facility available on online application portal under petroleum Rules, 2002.
3. अनुमोदित आरेखण की तीन प्रतियाँ ।  
Three copies of the approved drawings.
4. मुख्य विस्फोटक नियंत्रक, नागपुर द्वारा अनुमोदित सक्षम व्यक्ति द्वारा जारी पेट्रोलियम नियम 2002 (संलग्न) के अंतर्गत नियम 130 और 126 में आवश्यक सेफ्टी और टैंक टेस्ट प्रमाण-पत्र जो कि संगठन की वेबसाइट <http://peso.gov.in> पर "सक्षम व्यक्ति" ऑनलाइन मॉड्यूल के माध्यम से बनाया गया हो ।  
Safety and Test Certificate as required under rule 130 and 126 of the Petroleum Rules, 2002 (enclosed) issued by Competent person approved by CCE, Nagpur and generated through On-line Competent Person Module available at <http://Peso.gov.in>
5. जिला प्राधिकारी से प्राप्त 'अनापत्ति प्रमाण-पत्र' की मूल प्रति तथा उनके द्वारा विधिवत हस्ताक्षरित एवं कार्यालय की मोहर लगा हुआ साईट प्लान ।  
Original copy of 'No Objection Certificate' from the District Authority together with site plan duly endorsed by him with his office seal thereon.
6. इस कार्यालय से होनेवाले पत्राचार पर हस्ताक्षर करने के लिए अधिकृत व्यक्ति(यों) के नमूना हस्ताक्षर ।  
Specimen signature(s) of the person(s) authorised to sign the correspondence addressed to this office.
7. अनुमोदित प्लान के अनुसार कार्य के पूर्णता की पुष्टि ।  
A confirmation to the effect that all work as per approved drawings has been fully completed by you in all respects.
8. विभिन्न कोणों से लिए गए पेट्रोल पम्प के रंगीन फोटोग्राफ का एक सेट ।  
One set of colour photographs of the petrol pump taken from different angles.

जी.एस.आर. 519(ई) दिनांक 05/06/2000 द्वारा भारत सरकार, पेट्रोलियम तथा प्राकृतिक गैस मंत्रालय द्वारा अधिसूचित आदेश 2000 के 'सॉल्वेंट, रैफिनेट तथा स्लॉप (अधिग्रहण, बिक्री, भंडारण और ऑटोमोबाइल में उपयोग की रोकथाम) आवश्यकता/प्रावधान का कृपया पालन करें ।

Please follow the requirement/provision of " Solvent, Raffinate and Slop ( Acquisition, Sale, Storage & Prevention of use in Automobiles)" Order 2000 notified by Government of India, Ministry of Petroleum and Natural Gas vide G.S.R. 519(E) dated 05/06/2000.

कृपया भविष्य में अपने सभी पत्राचार में इस कार्यालय की फ़ाइल संख्या **A/P/SC/TN/14/10734 (P495111)** का संदर्भ दे ।

Please quote this office file No. **A/P/SC/TN/14/10734 (P495111)** in all your future correspondences.

फिर भी, यह अनुमोदन/अनुमति अन्य प्राधिकारियों से आवश्यक अनुमति/क्लीयरन्स प्राप्त करने से या यथा लागू अन्य विधियों से छूट नहीं देती है ।

This approval/permission, however, does not absolve from obtaining necessary permission/clearance from other authorities or under other statutes as applicable.

डॉ. ए. शेख हुसैन मुस्तफा  
Dr. A SHEKH HUSSAIN MESS  
नियंत्रक विस्फोटक  
Controller of Explosives  
सी.ई.एस.ओ. भारत सरकार / P.E.S.O. Govt. of India  
दक्षिण मण्डल, बनेर-8 / South Circle, Chennai-8.

भवदीय /Yours faithfully,

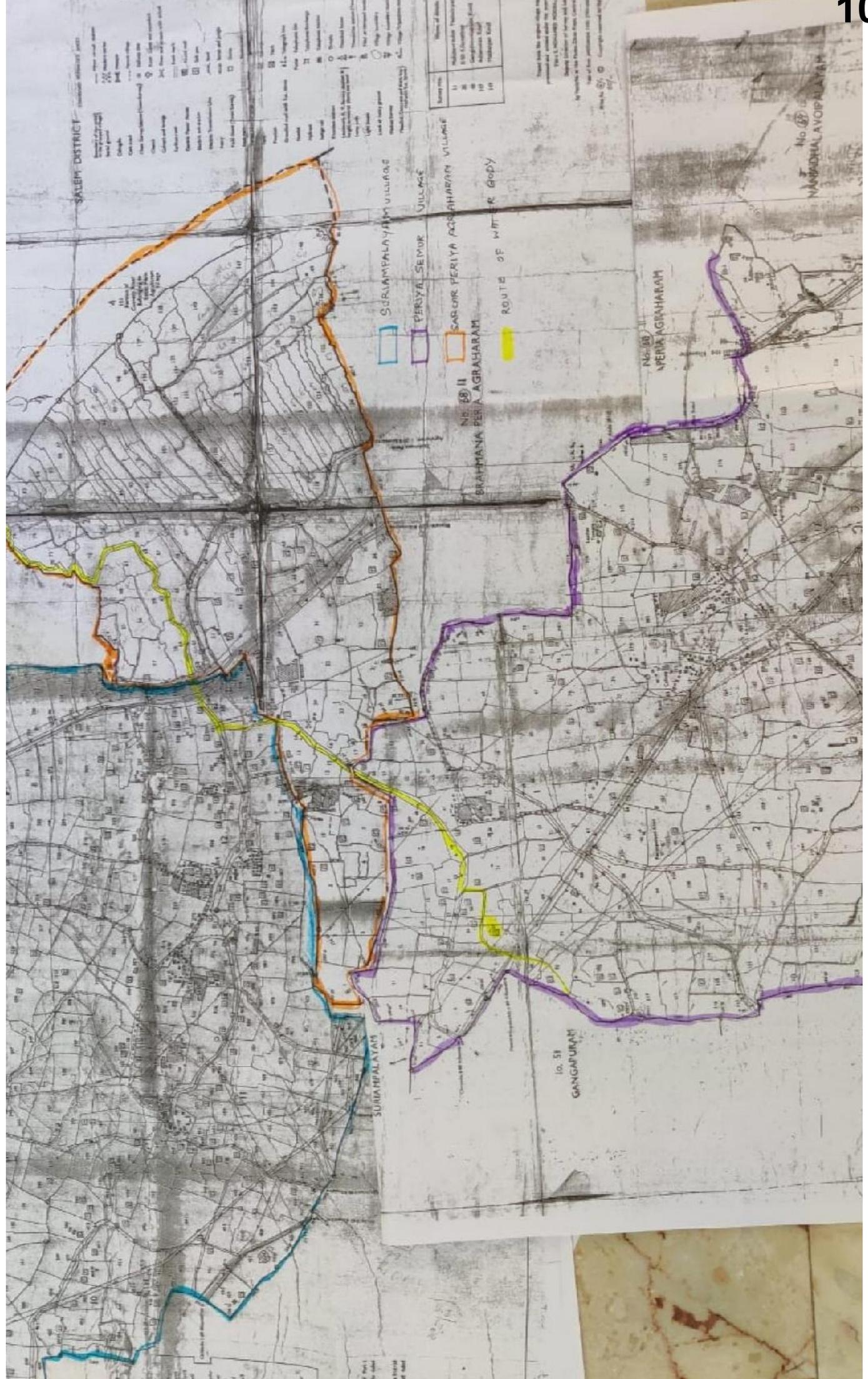
((मनमीत सिंह मन्हास)  
(Manmeet Singh Manhas))  
उप विस्फोटक नियंत्रक  
Dy. Controller of Explosives  
कृते संयुक्त मुख्य विस्फोटक नियंत्रक  
For Jt. Chief Controller of Explosives  
चेन्नै/Chennai

(अधिक जानकारी जैसे आवेदन की स्थिति, शुल्क तथा अन्य विवरण के लिए हमारी वेबसाइट : <http://peso.gov.in> देखें)  
(For more information regarding status, fees and other details please visit our website: <http://peso.gov.in>)  
**Note:-This is system generated document does not require signature.**

*Manmeet Singh Manhas*  
ISSUED UNDER  
RTI ACT

डा. ए. शेख हुसैन आइ.पी.एस.  
Dr. A SHEIK HUSSAIN I.P.S.S  
उप नियंत्रक विस्फोटक  
Dy. Controller of Explosives  
पी.ई.एस.ओ., भारत सरकार, / P.E.S.O. Govt. of India  
दक्षिण मण्डल, ब्लॉक-6 / South Circle, Chennai

Digitally signed by Manmeet Singh Manhas  
Reason: Approval No. : A/P/SC/TN/14/10734  
Location: South Circle Office  
Date: 2021.01.20 02:28:22 +05:30



SALAM DISTRICT

- Major roads
- Secondary roads
- Foot paths
- Canals
- Railways
- Water bodies
- Buildings
- Plantations
- Open spaces
- Unclassified land
- Other
- Water bodies
- Buildings
- Plantations
- Open spaces
- Unclassified land
- Other

Scale	1:10,000	1:25,000	1:50,000
1 cm	100 m	250 m	500 m
1 inch	2500 ft	6250 ft	12500 ft

No. 51  
GANGAPURAM

No. 52  
NANDIALA VOIPALAM

No. 53

SULAMPALAYAM VILLAGE

PERYAL SEMUR VILLAGE

SARUR PERIYA POGARAHAM VILLAGE

ROUTE OF WATER BODY

No. 51  
GANGAPURAM

No. 52  
NANDIALA VOIPALAM

No. 53

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Friday, the Twenty Third day of April Two Thousand and Twenty One  
PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM  
and

The Hon`ble Mrs.Justice S.ANANTHI  
WP(MD) No.8417 of 2021

M.LIAKATH ALI

... PETITIONER

Vs

1 THE STATE OF TAMIL NADU  
REP. BY ITS CHIEF SECRETARY,  
ST.GEORGE FORT,  
CHENNAI

2 THE DISTRICT COLLECTOR,  
DINDIGUL DT

3 THE DISTRICT REVENUE OFFICER  
DINDIGUL DT

4 THE JOINT CHIEF CONTROLLER OF EXPLOSIVES,  
A AND B WING, BLOCK 1-8, 2ND FLOOR,  
SHASTRI BHAVAN, 26, HADDOUS ROAD,  
NUNGAMBAKKAM, CHENNAI 6

5 THE EXECUTIVE ENGINEER (W.R.O),  
MANJALAR SUB DIVISION, PUBLIC WORKS DEPT.,  
PERIYAKULAM

6 THE TERRITORY MANAGER  
BHARATH PETROLEUM CORPORATION LTD.,  
NO.37, TIRUPPARANKUNDRAM ROAD,  
PASUMALAI, MADURAI 4

7 P.SUCHITRA

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Certiorarified Mandamus or any other writ or direction in the nature of writ, calling for the records pertaining to the No Objection Certificate in R.Dis.No.3297/2021/C4, dt.26.02.2021, issued by the 3rd respondent, in favour of the 7th respondent for having the petrol bunk in the land in S.No.638/3 in Ward -15, in Batlagundu Village, in Nilakottai Taluk in Dindigul District, and quash the same as it violates siting criteria of Central Pollution Control Board and the Tamil Nadu State Laws and to direct the 1st respondent to issue the suitable directions to all the District Collectors of the State to scrupulously follow the siting criteria of CPCB and the Tamil Nadu State Laws while granting "No Objection Certificate" to the persons for having the petrol bunk

in their agricultural lands adjoining to the water bodies.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of SURIYA NARAYANAN.R, Advocate for the petitioner and Mr.K.P.KRISHNA DASS, Special Government Pleader for R1 to R3 and Mr.S.NATESH RAJA, Standing Counsel for R6, the court made the following order:-

[Order of the Court was made by **T.S. SIVAGNANAM, J.**]

Notice to the 7<sup>th</sup> respondent through Court and privately for hearing on 11.06.2021.

2. The question involved in the instance case is whether the CPCB guidelines for setting up of new petrol pump has been violated or not?.

3. The learned Standing Counsel appearing for the sixth respondent-BPCL submitted that the guidelines itself provide for certain measures by erecting double-walled tanks or concrete protection walls, even in respect of retail outlets coming within 50 meters to 100 meters from the nearest point of surface waterbody.

4. The learned Special Government Pleader appearing for the respondents 1 to 3, read the report submitted by the Tahsildar, from which, it is clear that the waterbody is situated 20 meters from the proposed site.

5. It is further submitted that the fifth respondent-Public Works Department, has granted permission for construction of the bridge. From the rough sketch produced by the petitioner in page No.24 of the typed set of papers, we find that apart from the waterbody, there is a surplus weir and a channel which is in between the proposed site and the Highways.

6. Therefore, in order to have a very clear picture as to whether there is any violation of siting guidelines, the respondents 3 and 5, are directed to file counter affidavit. It is open to the sixth respondent also to file a counter affidavit. Since we are inclined to entertain the writ petition, there shall be an order of status quo to be maintained prevailing on site as on date (23.04.2021).

7. List the matter on **11.06.2021**.

sd/-  
23/04/2021

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

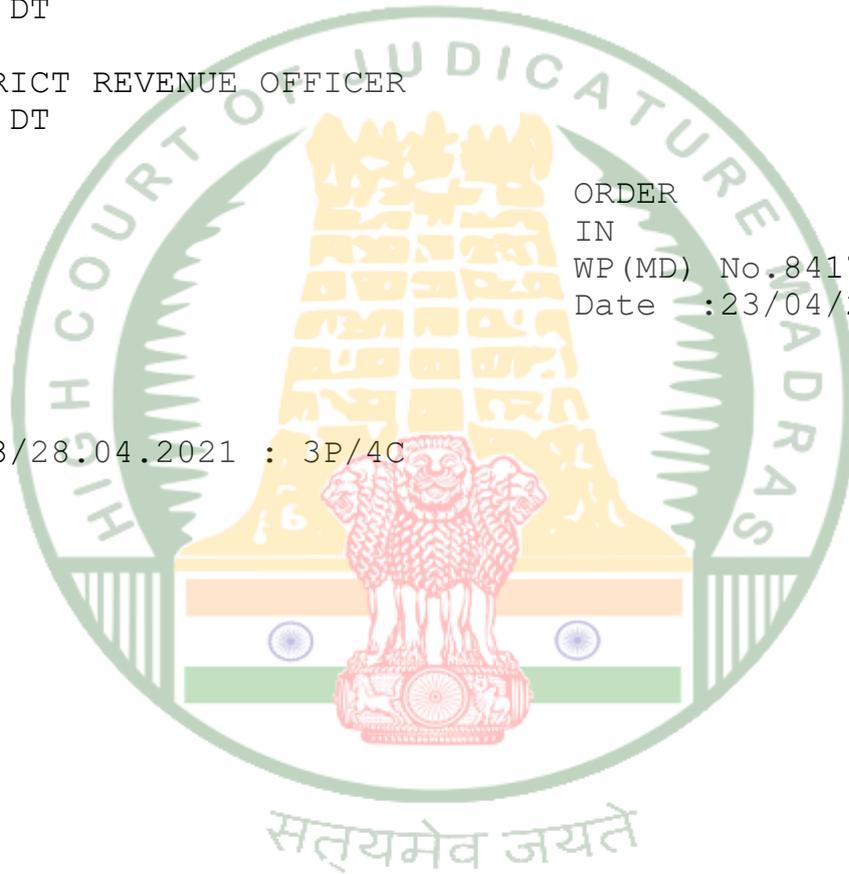
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE CHIEF SECRETARY,  
STATE OF TAMIL NADU  
ST.GEORGE FORT,  
CHENNAI
- 2 THE DISTRICT COLLECTOR,  
DINDIGUL DT
- 3 THE DISTRICT REVENUE OFFICER  
DINDIGUL DT

ORDER  
IN  
WP(MD) No.8417 of 2021  
Date :23/04/2021

SMA/PN/SAR-3/28.04.2021 : 3P/4C



WEB COPY

**BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL SOUTHERN ZONE  
SITTING AT CHENNAI**

**Original Application No. 118 of 2021 (SZ)**

D. Sakthivel,  
S/o. Devaraj,  
No.23, Main Road,  
Pavai Thanneerpandal Palayam,  
Periyasemur  
Erode District - 638 004 ... Applicant

**And**

The District Collector  
Erode District  
Collectorate Complex,  
State Highway 96  
Opp. District Court,  
Palayapalayam,  
Erode - 638 001 ... Respondents  
and 7 others

**OBJECTIONS BY THE APPLICANT TO  
THE REPORT FILED BY THE JOINT  
COMMITTEE**

**V.B.R Menon, B.E, MBA(IIMA), LLB,  
(Ms – 23 / 2012)  
Counsel for the Applicant  
Ph: 9384762930**