

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 7 others

... Respondents.

I N D E X

Sl. No	Description of Document	Page No.
1	Additional Written Submissions filed by the Counsel for the Applicant	1 – 11
2	Annexure – 1 : Order dated 01.09.2020 passed in WP No. 11906 of 2020 recording fraudulent submission of site particulars by an OMC and got prior site approval under Rule 131.	12 – 16
3	Annexure – 2 : Final Order dated 06.09.2021 passed in HCP Nos. 565 - 589 of 2020 by Hon'ble Madras High Court.	17 – 22
4	Annexure – 3 : Case status of WA No. 1187 of 2021 pending for disposal	23

Place : Chennai

Date : 20.11.2021

Filed by :



V.B.R. MENON
Counsel for the Applicant
Mobile : 9384762930
E-mail : vbrmenon@gmail.com

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

The District Collector
Erode District,
Erode - 638 001 and 7 others ... Respondents.

ADDITIONAL WRITTEN SUBMISSIONS BY THE COUNSEL FOR APPLICANT

The following additional written submissions are made in reply to the Counter Affidavit filed by the 3rd Respondent , after the Written submissions were e-filed on 14.11.2021 , and to the Oral submissions made by the Respondents in the Hon'ble Court on 15.11.2021 and 17.11.2021.

1. Reply to the Oral submissions by the Counsel for R-1 & R-2 :

(i) The submission that the VAO has given a report regarding non-usage of the site for agricultural purposes and hence approval from the Director, DTCP , as prescribed under G.O.(Ms.) 79 of 2017 has not been obtained shall constitute an admitted violation of the mandatory conditions prescribed under the said GO including payment of 3 % of market value towards fee for granting change of land use. The revenue records submitted by the Applicant shall clearly show that the site falls under dry agricultural land category which should not have been allowed to put up the petroleum outlet without obtaining change of land use in accordance with above GO No. 79 of 2017 issued under Sec.47-A of DTCP Act, 1971.

(ii) While the VAO is claimed to have reported that there would be no blocking of Water channels, Canals , etc. or chance of submersion of the site under water, there has been no mention about the existence , condition or extent of the water body (Odai) lying adjacent to the site or about the possibility of

contamination of petroleum products with underground and surface water of adjoining lands , which are known to be associated with operation of Petroleum outlets. The Revenue Field Map of S.No. 27 , submitted as Addl. Document No.3 dated 27.10.2021, shall show that the site in S.No. 27/2 and the Odai in S.No. 27/1 are lying adjacent to each other with no other area or road lying in between.

The 1st and 2nd Respondents have filed a counter affidavit against which the Applicant has filed a Rejoinder dated 06.08.2021 wherein all the submissions made by the Counsel for the 1st and 2nd Respondents have been responded in detail , para-wise, and hence the same are not repeated again.

2. **Reply to the Counter filed and Oral submissions by the Counsel for 3rd Respondent ;**

(i) The submission by the 3rd Respondent that no site inspection or verification to ascertain the correctness of the site particulars and site drawings ,submitted by the Oil Marketing Companies, is contemplated under Rule 131 or any other Rule of Petroleum Rules, 2002 is false. While Rule 131(1)(iii) mandates submission of a Topo plan by the 6th Respondent showing all the protective works lying within 100 M from the boundary of the site , Rule 131(2) contemplates necessary enquiries prior to issuing of prior site approval . Only thereafter the NOC from District Authorities under Rule 144 is obtained and submitted to receive the Final licence under Rule 141 to operate the outlet.

(ii) Hence, the inquiry contemplated under Rule 144(5) prior to issuing of NOC by the District Authority is a subsequent event which is not a substitute of the enquiry contemplated under Rule 131(2) by the 3rd Respondent as the scope and objects of the two are not one and the same. Without conducting independent site inspection as a part of the enquiry under Rule 131(2) , the details submitted by the OMC cannot be properly ascertained and assessed and this has become the root cause of several illegalities by the OMCs who obtain prior site approval from the 3rd Respondent fraudulently through suppression and omission to show the surrounding areas correctly. **An Order passed by the Hon'ble High Court in this regard in WP No. 11906 of 2020 is annexed herewith to illustrate this problem as Annexure – 1.**



(iii) The Applicant has submitted a copy of the FIR registered against a former 3rd Respondent, in page nos. 6 to 9 of Additional Document No.5, to illustrate that the submission on behalf of the 3rd Respondent that site inspections are not being conducted is not true. The entire dealings with the 3rd Respondent are being managed through middlemen by the OMCs for obvious reasons. If the 3rd Respondent blindly accepts all the site particulars submitted by the OMC as true and does only a clerical job, the very objective and purpose of issuing prior site approval under Rule 131 shall become superfluous and redundant. In the present case, even the Final Explosives Licence in Form XIV has been issued and the outlet has commenced operation without independent verification of any of the site particulars or compliance of the conditions prescribed in the prior site approval at any stage of the proceedings by the 3rd Respondent.

(iv) The submissions on behalf of the 3rd Respondent that compliance of safety distances as prescribed in Fourth Schedule "C" of Petroleum Rules, 2002 are adhered to while granting prior site approval under Rule 131 is an open admission that the CPCB Circulars and other relevant statutory provisions related to public health and safety are not at all looked into by the 3rd Respondent while granting prior site approval, which is the foundation of all the subsequent proceedings including issuance of NOC under Rule 144. The State Authorities generally do not refuse NOC after prior site approvals are issued by the 3rd Respondent as he represents the Central government and he is the Final Authority to grant Explosives licence under Petroleum Rules, 2002.

(v) A perusal of the above Fourth Schedule under Rule 105 in Chapter IV of Petroleum Rules, 2002 shall reveal that it pertains only to safety distances prescribed for locating electrical installations within the 4 walls of the site and it does not take into account the safety and health hazards posed to the surrounding areas due to the operation of the outlet. In other words, the Topo plan prescribed under Rule 131(1)(iii) is not looked into or acted upon by the 3rd Respondent while granting approval of the site drawing for the construction of the outlet. This constitutes a serious abdication/omission/infraction on the part of 3rd Respondent which needs to be remedied to obtain meaningful implementation of all other rules, guidelines, etc. aimed to safeguard public health and safety under Article 21 of the Constitution of India.



The Applicant has submitted extracts of the relevant rules from the Petroleum Rules, 2002 in the OA Documents for ready reference. A copy of the Prior Site approval prescribing 8 conditions therein is available in Page No. 7 of the Objections to the Committee report filed on 06.08.2021.

3. Reply to the Oral submissions by the Counsel for the 7th Respondent in respect of the Joint committee Report and the Supplementary Report dated 12.07.2021;

(i) It is submitted **at the outset** that the only purpose of the vociferous oral arguments by the above Counsel appears to be to justify (i) the various omissions, illegalities and bias shown by the 1st to 3rd Respondents towards the 6th Respondent in allowing to set up and operate the Petroleum Outlet contrary to several statutory violations including violation of Siting criteria prescribed by CPCB and (ii) the failure of the Committee to ascertain all the relevant facts and infractions involved in allowing the outlet to operate..

(ii) The submission that Distance criteria prescribed by CPCB shall prevail over the Tamilnadu Play School regulations, 2015 is not only against the decisions of various Division Benches of the Hon'ble High Court in WP No. 18125 of 2020, WP No. 4321 of 2020, WP No. 23546 of 2017, WP (MD) No. 19830 of 2019,etc (**Copies of the orders are available in the original OA Documents and the Addl Typed Set No.2 dated 30.09.21 filed by the Applicant**) but also against the settled legal position that any specific law in respect of a specific group ie. play schools within Tamilnadu , shall prevail over a general guideline applicable to all types of schools across the country.

(iii) The Hon'ble First Bench has held in the Order dated 05.09.2017 in WP No. 23546 of 2017 that the very objective of prescribing a safety distance of 100 M in the Play School Regulations, 2015 is to protect the small children from the associated harmful effects of Petroleum Vapour and had further directed the government to extend the same to all other categories schools also . Hence, the distance criteria prescribed under Play School Regulations, 2015 and the siting criteria by the CPCB are for the same purpose of protection from air pollution. However, the Play School norms shall be preferred as the health and safety of the Students are paramount and the stricter norms shall prevail. This view could be seen from para no. 8 & 11 of the Division Bench judgement of Hon'ble High Court in page nos. 37 & 39 of the Original OA Documents.



(iv) Another mysterious and fallacious argument was that the CPCB Siting criteria in the Circular dated 07.01.2020 and Addendum dated 16.08.2021 stand on different footing whereas nothing in the readings of the 2 shall lead any reasonable mind, which a regulator is expected to possess , to arrive at such an understanding .Hence, the above submission appears to have been made to sub-serve some extraneous cause or compulsion and certainly not to advance public health and safety.

(v) In spite of omitting to verify the revenue records of the site and the surrounding areas, the submission that there is a road area between the Odai and the Petroleum site shall be liable for initiation of perjury against him and the clients whom he represents. Further, in spite of recording about the prior existence of a residential building situated adjacent to the site, the violation of siting criteria in respect of the adjacent residential building has been mischievously omitted in the entire submissions.

(vi) It has been admitted in the Joint Committee report that neither PESO nor BPCL has mentioned, in the approved drawing or other official documents , anything about the additional safety measures to be provided which are mandatory to avail the relaxation of the distance norm as per para “ H” of the CPCB Siting criteria . It shall be surprising to any reasonable mind as to how the Committee could have blindly accepted the reply received , subsequent to the site inspection ,from the 6th Respondent regarding the additional facilities said to have been provided without verifying the same at site and without getting any confirmation from PESO regarding the sufficiency of those facilities to claim the reduced distance criteria as per CPCB Norms.

(vii) The strenuous arguments of the Counsel to justify that the distance of 36 M shall be permissible even though PESO has not permitted or allowed any addl. safety measures as per CPCB Circular shall be deplorable. The list of items furnished by the 6th Respondent by claiming those as Addl. Safety measures and readiness to provide any Addl. safety measures after the Applicant has approached this Hon'ble Tribunal shall not merit any consideration at this stage as the conduct and attitude of the 6th Respondent has all along been prejudicial to public health and safety. Perusal of the above list shall further show that those are nothing but basic facilities which are being provided in all Petroleum outlets as



standard safety measures . It would have given some credence to the 6th Respondent's claim if double-walled tanks and Vapour recovery systems had been provided as those are the best known facilities capable of reducing the air and water pollution issues..

(viii) The other argument of the Counsel that Vapour recovery systems (VRS) need to be provided only if the prescribed sales volumes are reached is again wrong . What we are concerned in the present case is how to avoid/reduce health hazards due to petroleum vapour to a particular school premises and not the mandatory requirement to provide VRS in all the outlets having prescribed sales volumes in specified areas . It is a fact that provision of Vapour recovery systems can substantially reduce the % of Petroleum Vapour escaping into the atmosphere from every outlet and shall qualify to be an addl. safety measure to the present case.

(ix) The Committee consisting of the RDO has not gone into the other statutory violations regarding illegal construction works carried out site , as confirmed by the 5th Respondent in his counter , violation of G.O.No. 79 of 2017 and binding nature of IRC Norms etc. which the Applicant has alleged in the OA. Whether the above violations come under the jurisdiction of this Hon'ble Tribunal is not an issue which the committee could decide by itself. Hence, the Committee's report is incomplete in this regard , in spite of it being a fact finding body.

(x) The Committee has also not gone into whether there are any exigencies and unavoidable requirements for a Petroleum Outlet at the above particular site , **out of public interest** , which merit relaxation of distance norms in the present case , in spite of the potential harmful effects on the children involved. It is really unfortunate that the regulators ,who are intended to protect life and health, have chosen to side with the Polluter to the detriment of hapless children and the general public by submitting the present report with omissions, suppressions and bias and lending support to consequential environmental harm..

The Applicant has filed Objections dated 06.08.2021 to the Joint Committee report in which the omissions and bias of the Committee have been clearly brought out and the same are , hence, not repeated again here.



4. **Reply to the Oral submissions by the Counsel for 6th Respondent :**

(i) Before responding to the Oral submissions of the Counsel for the 6th Respondent, it is necessary to bring to the attention of this Hon'ble Tribunal about several dubious and fraudulent activities being perpetrated by the 6th Respondent in setting up and operating petroleum outlets across Tamilnadu. The Documents kept in the Addl.Documents dated 16.11.2021 shall be revealing about the ground realities in this regard. The 6th Respondent is the front runner in committing these illegalities including procurement 91 Nos. of forged NOC ,as admitted by the government before the High Court after a state-wide investigation.

(ii) The same Counsel was representing all the OMC s , who have committed the crime of procuring and using forged NOC s for establishing several petroleum outlets across Tamilnadu.. Hence, the submissions, conduct and character of the 6th Respondent may be viewed in this context. It is true that the subsequent Division Bench had disposed of the HCP without proceeding with the above issue as it felt that it was beyond the scope of a HCP proceeding after the Accused had been released from detention . **(Order copy attached as Annexure - 2).**

(iii) The submission by the Counsel that the Petitioner should have approached the Hon'ble High Court instead of this Hon'ble Tribunal shall reveal either his ignorance or his mischievousness as the availability of an alternate judicial forum does not prevent the Applicant from approaching any one of them according to the facts and circumstances of the case and the nature of reliefs sought. Probably he may be ignorant that the Applicant is also entitled to approach the Hon'ble Supreme Court under Article 32 of the Constitution to seek protection of a clean environment,which has been read into the Right to life guaranteed under 21 of the Constitution.

(iv) As long as the primary issue involved in the dispute is regarding protection of the environment, this Hon'ble Tribunal has the jurisdiction to decide on all the ancillary and other related issues likely to affect the environment by applying the principle of “ **Pith and Substance**” . This would avoid the necessity to approach multiple forums for various reliefs arising out of the same cause of action of operating the Petroleum Outlets to the detriment of the public at large.



(v) The submissions regarding non-applicability of Pre-School norms for the present site are liable to be outrightly rejected as preposterous for the reasons stated above in para 3 (i) to (iii) , including the various Division Bench judgements in this regard . The other claim that it is not a pre-school , without ascertaining whether pre-school classes are also being conducted in the same school, is also liable to be rejected in view of the above cited judgements. None of the other Respondents or the Committee have disputed the fact that pre-school classes are being conducted in the above school. On this ground alone, the operation of the outlet at the above site is illegal and liable to be injuncted.

(vi) There is an infraction of even the distance norm of 50 M prescribed under the CPCB Circular dated 07.01.2020 as no valid grounds have been made out and no request has been submitted by the 6th Respondent to the 3rd Respondent for relaxation of the distance norms by providing addl. safety measures. The belated offer to provide addl. safety measures itself shows that the 6th Respondent is aware that adequate addl. safety measures have not been at site at present and the associated potential risks involving safety and health of the Students and the general public.

(vii) The submissions by the Counsel that the addendum to the CPCB Guidelines dated 07.01.2021 , prescribing a minimum distance of 50 M from the waterbody (Odai), shall not be applicable on the ground that the Addendum shall take effect only from the date of notification of the same ie. 16.08.2021 is wrong as Addendum to any Guideline shall take effect from the effective date of the parent guidelines ie. 07.01.2021 and not otherwise.

(viii) Apart from the above Guidelines, the GO (Ms.) 79 of 2017 also prescribes a minimum safe distance of 15 M from any waterbody for carrying out any construction activities. Even if there are no statutory provisions prohibiting operation of Petroleum outlets adjacent to water bodies, the same shall be impermissible under the **precautionary principle**, which constitutes an integral part of Article 21 of the Constitution. The above guidelines have been formulated and notified based on the **Orders dated 23.07.2020 and 09.10.2020** by the Hon'ble NGT(CZ) Bench. **Hence, even in the absence of any statutory bar, this Hon'ble Tribunal is vested with adequate powers to determine and fix the appropriate safety distance to prevent environmental problems by using for guidance the above addendum to the CPCB Circular dated 07.01.21 .**



(ix) Even in Clause " A.1 " of the Original Circular dated 07.01.2020, CPCB has prescribed the steps to be taken for the containment and treatment of spillages prior to the setting up of all the new Petroleum outlets and the same has not been complied with by the 6th Respondent in spite of the existence of a water body situated adjacent to the petroleum site. It shall be another reason why the operation of the outlet shall be prohibited at the above site .

(x) The 6th Respondent has admitted violations of statutory provisions under GO(Ms.) 79 of 2017 under Sec.47-A of the DTCP Act.1971 and the Erode Municipality Act, 2008 but has challenged the jurisdiction of this Hon'ble Tribunal to adjudicate on those issues. It is a totally fallacious argument as protection of the environment and maintenance of a proper living atmosphere are integral parts of all development plans by the state. Violation and non-compliance of the same shall have a disastrous impact on the environment and hence all such violations/ disputes shall necessarily come under the ambit of NGT Act, 2010 as well while deciding the present dispute.

(xi) Just because separate laws have been enacted and provisions exist therein to deal with implementation of the same and penalties for violations, the primary power arising out of the duty to protect the environment by this Tribunal under NGT Act, 2010 does not get diluted. Allowing the above Petroleum outlet to operate in spite of the above cited statutory violations, which are certainly going to cause environmental degradation through air and water contaminations , shall be a travesty of justice, being contrary to the very objectives and spirit of environmental laws.

(xii) Finally, regarding the lengthy arguments advanced by the Counsel about the relevance of the Distance Norms prescribed under IRC Circular No.12-2009 to the present case , it may appear at the first look that IRC Norms shall have no environmental consequences as the stated objectives therein are (i) to ensure smooth flow of traffic on the roads and (ii) safety and security of vehicles and pedestrians. However, a closer look may reveal that any hindrance to smooth flow of traffic due to traffic jams shall be an added source of environmental pollution and shall be harmful to the public at large. Hence, to say that non-compliance of IRC Distance Norms shall have no environmental impact shall not be correct.



(xiii) Even though IRC Distance Norms shall be of least importance among all the above cited statutory violations in respect of the potency to cause environmental harm , the Counsel for the 6th Respondent took almost 90 % of his time to argue that IRC Norms are not mandatory and that it is not justiciable by this Hon'ble Tribunal by claiming it to be outside the ambit of NGT Act,2010. It shows that he had very little to argue about the rest of more serious statutory violations impinging on environmental issues and the violation of IRC Norms is admitted.

(xiv) Assuming without admitting that IRC Distance norms are not mandatory , it does not augur well for 6th Respondent ,a Public Sector Undertaking running on public money, to ignore the guidelines framed by Indian Road Congress , an All India Expert Professional Body under the Ministry of Highways , to enhance public safety and smooth flow of vehicles on roads . It shows the deplorable attitude and scant concern towards public health and safety by the 6th Respondent . No specific reasons have been given for non-compliance the IRC Norms instead of claiming it to be only not mandatory

(xv) Regarding the dispute whether IRC Norms are mandatory or not for establishing Fuel Stations within the state of Tamilnadu, the State government has taken an non-ambiguous stand that it shall be compulsory and the Principal Secretary has issued directions in this regard to all the District Authorities. The Government has also filed 2 Sworn Affidavits before the Hon'ble High Court affirming that IRC Norms shall be strictly adhered to. Copies of the Sworn Affidavits have been submitted as Addl Documents No,4 dated 15.11.2021. The 2th Respondent has openly flouted the above direction and assurances given to the Hon'ble High Court, in order to favour the 6th Respondent for obvious reasons.

(xvi) After the state government had taken a decision and had communicated it through the Circular dated 08.02.2020 to all the state authorities , exercising power under Rule 144 of Petroleum Rules,2002 , to strictly adhere to IRC Norms while issuing NOC for Fuel stations, the observations made earlier by a Division Bench vide Order dated 17.10.2019 shall have no force . Similarly , all the subsequent orders passed by relying on the above observations and referred to by the 6th Respondent in his Common Typed Set dated 14.09.21 shall also be irrelevant to the present dispute.



(xvii) As far as the Judgement in WP No. 34652 of 2019 and the connected Order in SLP © No. 12699 of 2021 are concerned, those are in respect of an Outlet situated in the UT of Puducherry where the Government has not yet adopted IRC Norms and hence those decisions do not apply to this case. As far as the Judgement dated 11.03.2021 in WP No. 35885 of 2019 is concerned, it is an order contrary to the Order passed by a Division Bench in WP No. 18753 of 2019 based on the sworn affidavits filed by the state government and a Writ Appeal No. 1187 of 2021 has been filed against the above judgement which is pending for disposal. Hence, the said decision has not yet reached finality. **A copy of the case status from the High Court website is attached herewith as Annexure – 3 .**

(xviii) It is relevant to note that the 4 Respondent , who is the competent authority to certify compliance of IRC Norms, has not filed any counter affidavit or disputed the Applicant's version and it shall constitute deemed admission on his part of all the averments made by the Applicant in this regard .

5. The averments of the Applicant in the Original Application dated 06.05.2021, Objections dated 06.08.2021 filed to the Joint Committee Report , rejoinder dated 06.08.2021 to the Counter affidavit filed by the 1st and 2nd Respondents , Written Submissions dated 14.11.2021 and Addl typed sets dated 26.08.2021, 30.09.2021 , 27.10.2021 , 15.11.2021 and 16.11.2021 filed by the Applicant may be read as part and parcel of this Additional Written Submissions to get a better appreciation of the facts of the case .

It is therefore prayed that this Hon'ble Tribunal may be pleased to allow the above Original Application No. 118 of 2021 (SZ) as prayed for and thus render justice.

Dated at Chennai on this 20th day of November, 2021



V.B.R. Menon
Counsel for Applicant

ANNEXURE - 1

12

W.P.No.11906 of 2020 &
W.M.P.No.14628 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. No.11906 of 2020 &
W.M.P.No.14628 of 2020

V.Gopinath,
S/o.Velusamy,
SS Garden, No.822/4K, Raja Nagar,
Poyampalayam pirivu,
Thottipalayam Village,
P.N.Road, Tirupur – 641 602.

... Petitioner

Vs.

1.The Principal Secretary,
Highways and Minor Ports Department,
Fort. St George, Secretariat,
Chennai – 600 009.

2.The District Revenue Officer,
Tiruppur District,
Collectorate Building,
Palladam Road, Tirupur – 641 604.

3.The Joint Chief Controller of Explosives,

1/5

A and D Wing, Block 1 – 8,
Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai – 600 006.

4.The Divisional Engineer,
(Construction and Maintenance),
Highways Department,
Collectorate Building,
Tirupur – 641 604.

5.The Executive Engineer,
Public Works Department (WRO),
Avinashi road, Behind Camp Office,
Tirupur – 641 601.

6.M/s.Shell India Markets Private Limited,
Plot No.7, Bangalore Hardware Park,
Shell Technology Centre, Devanahalli Industrial Park,
Mahadeva Kodigehalli, Bengaluru – 562 149.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to permanently restrain the 1st to 5th Respondents from permitting the 6th Respondent to open and operate a New Road-side Petroleum Retail Outlet on State Highway No.196 (SH-196) at SF No.283A, Thottipalayam Village, Tirupur North Taluk, Tiruppur District – 641 668 in violation to IRC Circular 12-2009, G.O.(Ms).79 dated 04.05.2017 and Rules 6(5) of Tamilnadu District Municipalities Building Rules, 1972.

For Petitioner : Mr.V.B.R.Menon

ORDER

(Order of the court was made by N.KIRUBAKARAN,J.)

The matter is heard through "Video Conferencing".

2.Mr.M.Elumalai, the learned Additional Government Pleader takes notice on behalf of the respondents 1, 2, 4 and 5. Mr.G.Karthikeyan, the learned Assistant Solicitor General takes notice on behalf of the 3rd respondent. Notice to the 6th respondent returnable by two weeks. Private notice through E-mail, Whatsapp and Courier is also permitted.

3.It is clear from the Topo plan submitted by the 6th respondent that to obtain prior site approval, suppression of material facts have been made for getting the approval. The Topo plan which is occurring at Page No.83 of the typed set of papers would show that as the proposed site is surrendered only by open land, whereas the Google Map filed in Pg.No.82 of the typed set of papers would show that the site is surrounded by a Mobile Tower, Tamil Nadu Electricity Board

Transformer, a Temple and a Burial Ground is also situated in the opposite side. Therefore, suppressing the material facts, the 6th respondent obtained approval from the respondents 2 and 3. In view of the above said fact, there shall be an interim order as prayed for.

4. In identical matters in W.P.Nos.1718 of 2020, 2448 of 2020 and 3047 of 2020 also, this Court granted interim orders.

Call the matter after two weeks.

(N.K.K.,J.) (V.M.V.,J.)

01.09.2020

krk

सत्यमेव जयते
WEB COPY

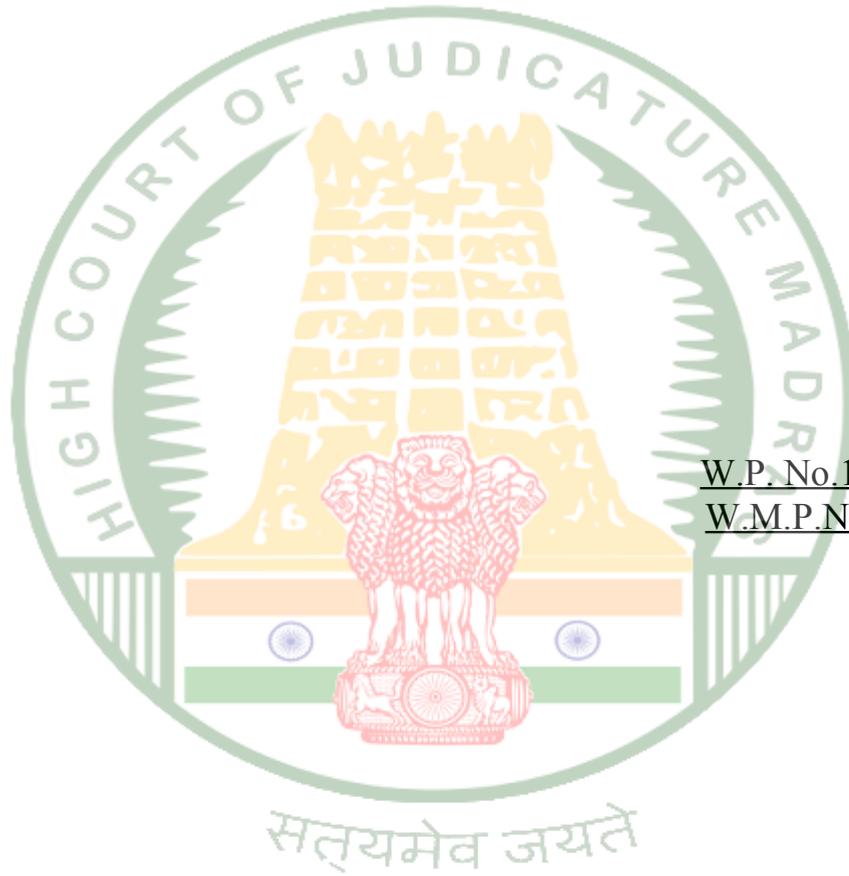
W.P.No.11906 of 2020 &
W.M.P.No.14628 of 2020

N.KIRUBAKARAN, J.

AND

V.M.VELUMANI, J.

krk



W.P. No.11906 of 2020 &
W.M.P.No.14628 of 2020

WEB COPY

Dated : 01.09.2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.09.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Ms.JUSTICE R.N.MANJULA

H.C.P.No.565 of 2020

S.Lalitha

.. Petitioner

Vs.

- 1.The Secretary to Government
Home, Prohibition & Excise Department
Secretariat, Chennai-9.
2. The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chenani-8.
3. Union of India
Rep. by its Secretary
Ministry of Commerce & Industry
New Delhi
4. The Chief Controller of Explosives
Petroleum and Explosives Safety
Organisation (PESO)
“ A” Block, CGO Complex
5th Floor, Seminary Hills
Nagpur
(R3&R4 are *suo motu* impleaded *vide* order dt.16.07.2020
in CrI.M.P.No.4166/2020 in HCP.No.565/2020)

WEB COPY

5. The Director General of Police
Mylapore, Chennai
(R5 is *suo motu* impleaded *vide* order dt.23.07.2020
in HCP Nos.565 & 589/2020)
6. M/s.Thenpandian Auto Gas
Rep. by its General Manager V. Kannan
Having office at 34B, Velacherry Main Road
Rajakilpakkam, Chennai-73
7. M/s.Green Auto Gas
Rep. by its Manager
Having Office at
No. 402/812, Anna Salai
Nandanam, Chennai-35
(R6&R7 are impleaded *vide* order dt.30.07.2020
in CrI.M.P.No.4644/2020 in HCP.No.565/2020)
8. M/s.Confidence Petroleum India Limited
404, Satyam Apartments
8, Wardha Road, Dhantoli, Nagpur-440 012
9. M/s.Indian Oil Corporation Limited
Indian Oil Bhawan, Uthamar Gandhi Road
139, Nungambakkam High Road
Chennai-34
10. M/s.Indian Oil Petronas Pvt. Limited
143, Athipattu Village
NCTPS Main Road
Chennai-120
11. M/s.Hindustan Petroleum Corporation Limited (HPCL)
Office of General Manager – South Zone
Thalamuthu Natarajan Building – 4th Floor
8 – Gandhi Irwin Road, Egmore
Chennai-8

12. M/s.Nayara Energy Limited
(Formerly Essar Oil)
58, New Avadi Road
Thandavaraya, Kilpauk
Chennai-10

(R8 to R12 are *suo motu* impleaded *vide* order
dt.30.07.2020 in HCP.No.565/2020 and 589/2020)

.. Respondents

Petition under Article 226 of the Constitution of India praying for issue of a Writ of Habeas Corpus calling for the records relating to the order of the 2nd respondent in No.129/BCDFGISSSV/2020 dated 21.02.2020 and quash the same and direct the respondents to produce the petitioner's husband *viz.*, K.L.Sivakumar, Male, aged 47 years, S/o.K.G.Loganathan, presently detained and kept in custody at Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.M.Soundar Vijay Arulram
for Mr.A.Edwin Prabakar

For R1,R2 & R5 : Mr.R.Muniyapparaj
Govt. Advocate (Crl. Side)

For R3 and R4 : Mr.P.G.Santhosh Kumar

For R6 and R7 : Mr.M.Guruprasad

For R8,R10&R11: No appearance

For R9 & R12 : M/s.AAV Partners

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

It is seen that the detention order dated 21.02.2020, challenging which, this habeas corpus petition was filed, has already been set aside by this Court on 05.08.2020.

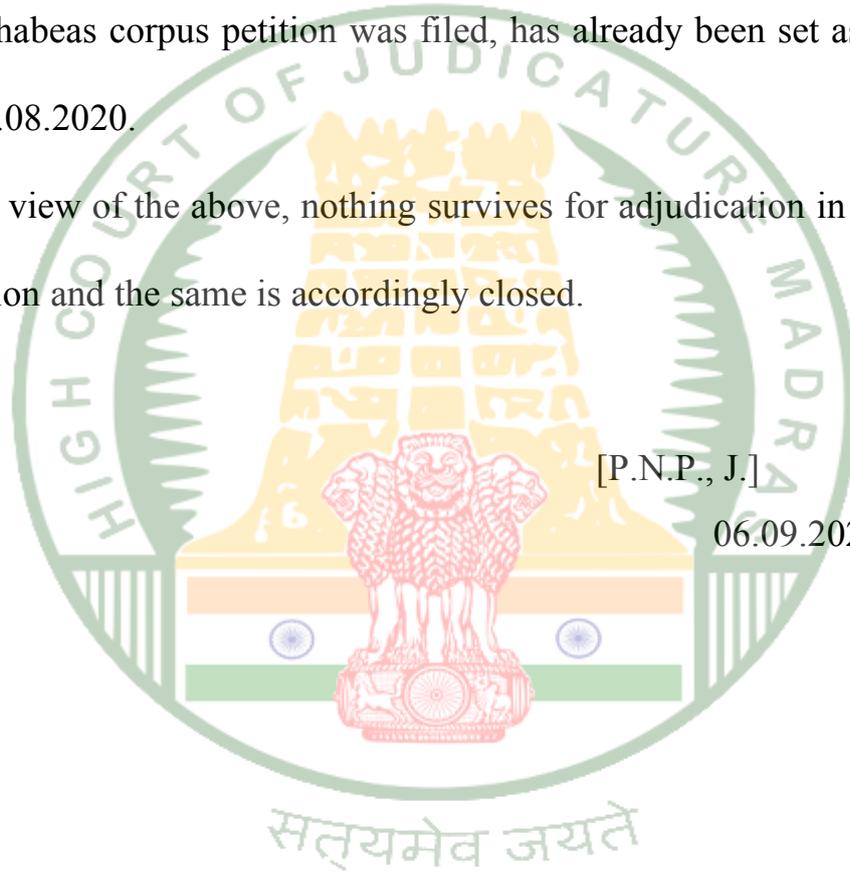
In view of the above, nothing survives for adjudication in this habeas corpus petition and the same is accordingly closed.

[P.N.P., J.]

[R.N.M.,J.]

06.09.2021

gya



WEB COPY

To

1. The Secretary to Government
Home, Prohibition & Excise Department
Secretariat, Chennai-9.
2. The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai-8.
3. The Secretary
Union of India
Ministry of Commerce & Industry
New Delhi
4. The Chief Controller of Explosives
Petroleum and Explosives Safety Organisation (PESO)
“ A ” Block, CGO Complex
5th Floor, Seminary Hills
Nagpur
5. The Director General of Police
Mylapore, Chennai
6. The Public Prosecutor
High Court, Madras



WEB COPY

H.C.P.No.565 of 2020

P.N.PRAKASH, J.
AND
R.N.MANJULA, J.

gya



H.C.P.No.565 of 2020

06.09.2021

WEB COPY

Case Status

Madras High Court

In The Court Of :The Hon'ble Justice

CNR Number :HCMA010513432021

Case Number :WA/0001187/2021

P.G.M.PETROL BUNK **Versus** THE JOINT CHIEF CONTROLLER OF
EXPLOSIVES

Date : 23-04-2021

Business : ADMIT NOTICE TO RESPONDENTS 1
TO 4 MR NICHOLAS T/N FOR RESPT 5
POST ALONG WITH WP 18753/2019

Next Purpose : FOR ADMISSION

Next Hearing :--
Date

The Hon'ble Justice

**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

**ADDITIONAL
WRITTEN SUBMISSIONS**

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