

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 158 of 2023 (SZ)

In the matter of:

V. Ayyasamy,

Coimbatore

...Applicant(s)

Versus

The District Collector,

Coimbatore and Others

...Respondent(s)

INDEX

S. No.	Date	Description	Page No.
1.	14.12.2023	Counter affidavit on behalf of 1 st Respondent	1 - 7
2.	04.08.2023	RTI Reply Letter No. M.M. No. CLRREV/7812/2023/J1	8
3.	-	RTI Return	9
4.	10.11.2023	Indian Oil Corporation Limited letter for No objection Certificate	10
5.	09.03.2023	No objection Certificate	11 - 12
6.	27.06.2023	Applicant Application for NOC	13 - 17
7.	21.11.2023	FMP – District Surveyor (Land Survey), Madhukarai Circle, Coimbatore	18

(Note: The page numbers are at the top centre of every page)



Through

Dr. D. Shanmuganathan

Standing Counsel of Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

**BEFORE THE NATIONAL GREEN TRIBUNAL, (SZ), SITTING AT
CHENNAI.**

**(Under Section 18(1) read with section 14 & 15 of National Green
Tribunal Act 2010)**

Original Application No.158 of 2023 (SZ)

V. Ayyasamy,
S/o. Venkatachala Gounder,
No. 4/83, near Mahalakshmi Bakery,
Othakkalmandapam to Chettipalayam Road,
Okkilipalayam Village,
Othakkalmandapamm (Post),
Madukkarai Taluk,
Coimbatore District.

....APPLICANT

-Vs-

1. District Collector,
Coimbatore Collectorate Building,
Coimbatore-641018.
Email- collrcbe@nic.in
Mob No- 0422-2301114
2. The Chairman,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032
Email- ccb.cpcb@nic.in
Mob No- 91-11-43102030

3. The Chairman,
Tamil Nadu Pollution Control Board
76, Anna Salai, Guindy Industrial Estate,
Race View Colony, Guindy,
Chennai-600032
Email- Unknown
Mob No- 044-22353076

4. District Environmental Engineer, Coimbatore (South),
Tamil Nadu Pollution Control Board,
Plot No. E.55A,
SIDCO Industrial Estate,
Pollachi Main Road, Kurichi,
Coimbatore- 651 021.
Email- deecbs@tnpcb.gov.in
Mob No-0422-2675608

5. Joint Director,
Director of Town and Country Planning,
Corporation Commercial Complex,
Dr. Nanjappa Road, Coimbatore-641 018
Email- kovaidisttcp@gmail.com
Mob No-0422-2380243

6. Joint Chief Controller of Explosives,
Petroleum & Explosives
Safety Organization (PESO), South Circle,
A and D- Wing, Block 1-8, Second Floor,
Shastri Bhavan, 26 Haddows Road,
Nungambakkam, Chennai-600006
Email- jtcechennai@explosives.gov.in
Mob No- (044) 28281023

7. M/s. Indian Oil Corporation Ltd.,
Indian Oil Bhavan,
8/1079, Avinashi Road,
Coimbatore- 18
Email- Unknown
Mob-919585958578

8. R. Gayathri Devi
S.F.No. 520/1, Otthakkalmandapam,
Madukarai Taluk, Coimbatore District.
Email-Unknown

...RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF THE FIRST RESPONDENT:

I, V.Pandarinathan, aged about 49 years, working as the Revenue Divisional Officer, Coimbatore South Division, do here by solemnly affirm and sincerely state as follows.

1. I am filing this counter affidavit on behalf of the 1st respondent, based on the available files and records and as per the instructions received from the 1st respondent.

2. I have read the averments mentioned in the original application (in short to be referred as an Application) and I deny all the allegations contained therein except those that are specifically admitted therein.

3. It is submitted that the original application has been filed by the applicant making baseless allegations against the respondents.

4. It is submitted that the applicant is resident of Othakkalmandapam Village. Being aggrieved by the setting up of a fuel station at S.F.No.520/1, Othakkalmandapam Village, Madukkarai Taluk, Coimbatore District, the applicant's Advocate has approached the Public Information Officer of the District Revenue Office, Coimbatore vide his letter dated 27.06.2023 under Right to Information Act, objecting the grant of No Objection Certificate to Indian Oil Corporation. Reply to the said Right to Information Act application was sent to the applicant vide the Public Information Officer/ Personal Assistant(General) to Collector's letter in K.Dis.No. CLRREV/7812/2023/J1 Dt: 04.08.2023

5. It is submitted that with regard to the para -2, the water body in S.F.No.519/2 is not adjacent to the fuel station in S.F.No.520/1. It is located 23 meters away from the compound wall of the fuel station. Moreover, the above-mentioned water body is located 42 meter and 40.8 meter away from the two fuel distribution pumping machines. And also, it is 59.5 meter and 54.2 meter away from the underground Petrol storage tank.

6. It is submitted that with regard to para-3, S.F.No.519/2 is classified as "Odai" in the revenue records and is at present dry in nature and during rainy season alone water will flow through the "Odai".

7. It is submitted that with regard to the para-4 of the application, on receipt of application to set up a fuel station in S.F.No.520/1, necessary field inspection was conducted by the then Additional District Magistrate and District Revenue Officer, Coimbatore and based on the reports received from the then Revenue Divisional

Officer, Coimbatore South, District Officer, Fire and Rescue Services, Coimbatore, the Superintendent of Police, Coimbatore District, and the Divisional Engineer (Highways) Construction and Maintenance, Pollachi, the No Objection Certificate was issued by the then Additional District Magistrate and District Revenue Officer, Coimbatore on 10.03.2023.

8. It is submitted that with regard to the para-5, 6, and 7 of the application, due procedures stipulated under the provisions of the Petroleum Act, 2002 were followed while issuing the No Objection Certificate. After satisfying herself regarding the location of the proposed site, the No Objection Certificate was issued by the then Additional District Magistrate and District Revenue Officer, Coimbatore with conditions.

9. It is submitted that with regard to the para-8, the distance between "Odai" – Water body and the two fuel distribution pumps are 42 meter and 40.8 meter. The distance between "Odai" and the South side compound wall of fuel station is 23 meters. The distance between the compound walls of the private school and the compound wall of the petrol bunk is 380.2 meter. Therefore, no violation under Petroleum Act in the location is made as averred by the applicant. The guidelines issued in the Petroleum Rules and Acts are followed in issuing the No Objection Certificate. In the present case also, the applicant has been instructed to adopt the conditions scrupulously before commencing the operation.

Grounds

GROUND A. It is submitted with regard to the averment put forth in the ground A, it is false and misleading. It will not affect both the villages and agriculturists as averred by the applicant.

GROUND B, C. It is submitted with regard to the averment put forth in the ground B and C, the averment is not valid one as the objection petition requesting information under Right to Information Act was received on 27.06.2023 and No Objection Certificate was issued on 10.03.2023 duly following the guidelines in force. Moreover, the petitioner in the above Right to Information Act application has mentioned as follows:

... If the said No objection certificate is not issued so far, kindly considered this objections. Otherwise, if the no-objection certificate was already issued, kindly furnish the copy of the no-objection certificate/order passed by the concerned authorities.

The reply to the above petition had been sent to the petitioner vide Personal Assistant(General) to Collector's letter in K.Dis.No. CLRREV/7812/2023/J1 Dt: 04.08.2023.

GROUND D. It is submitted with regard to the averment put forth in the ground D, it is not true and as already mentioned in the para above, though the water body is located at a distance of 23 meter from the South-North Compound wall of

அனுப்புநர்
பொதுதகவல் அலுவலர் மற்றும்
மாவட்ட ஆட்சியரின்
நேர்முக உதவியாளர் (பொது)
மாவட்ட ஆட்சியர் அலுவலகம்
கோயம்புத்தூர் - 641013

பெற்றுநர்
✓ திரு. V. அய்யாசாமி
த/பெ. வெங்கடாசலக்கவுண்டர்
மகாலட்சுமி பேக்கரி அருகில்,
ஓத்தக்கால்மண்டபம் 10 செட்டியாணையம் சாலை,
ஓக்கிலிபாளையம் கிராமம்,
ஓத்தக்கால்மண்டபம் (Po)
மதுக்கரை வட்டம்,
கோயம்புத்தூர் மாவட்டம் - 641032

மூலம் CLRREV/7812/2023/J1 நாள். 08.2023

ஐயா,

பொருள்: தகவல் அறியும் உரிமைச்சட்டம் 2005 பிரிவு 6(1) - இன் கீழ் சில
தகவல்கள் கோரியது-தொடர்பாக
பார்வை திரு.V.அய்யாசாமி த/பெ.வெங்கடாசலக்கவுண்டர் என்பவர்
வழக்கறிஞர் திரு.A.கந்திராஜ் BSc,B.L. என்பவர் மூலம் அனுப்பப்பட்ட
விண்ணப்பம் நாள்.27.06.2023 (இப்பிரிவில் கடிதம் கிடைக்கப் பெற்ற
நாள்: 06.07.2023)

.....

தகவல் அறியும் உரிமைச்சட்டம் -2005 -ன்படி பார்வையில் காணும் கடிதத்தில் மனுதாரர்
கோரிய தகவல்கள் கீழ்க்கண்டவாறு.

வ.எண்.	கோரப்பட்ட தகவல்கள்	பதில்
1	பார்வையில் காணும் கடிதத்தில் வரிசை எண். i) முதல் iii) வரை மனுதாரர் கோரியிருந்த தகவல்கள்	தகவல் அறியும் உரிமைச்சட்டம் - 2005 பிரிவு 2(1) - ன் கீழ் தகவல் வழங்க வழிவகை இல்லை

மேற்கண்ட தகவல் திருப்தி அளிக்கவில்லை எனில் இவ்வுத்திரவு பெறப்பட்ட 30
நாட்களுக்குள் கீழ்க்கண்ட அலுவலருக்கு மேல்முறையீடு செய்து கொள்ளலாம்.
மேல்முறையீட்டு அலுவலர் முகவரி:
மேல்முறையீட்டு அலுவலர் மற்றும்
மாவட்ட வருவாய் அலுவலர்,
மாவட்ட ஆட்சியர் அலுவலகம்,
கோயம்புத்தூர்.

பொதுதகவல் அலுவலர் மற்றும்
மாவட்ட ஆட்சியரின் நேர்முக
உதவியாளர் (பொது)
கோயம்புத்தூர்

நாள்.24- திரு.கி.வை. மாவட்ட ஆட்சியர் அலுவலகம், கோயம்புத்தூர்

சென்

பணிநின்றுப்படுகிறது

பார்வை: வருவாய் கோட்டாட்சியர் கோயம்புத்தூர்
தெற்கு அலுவலக குறிப்பாணை
ந.க.9298/2023/அ2 நாள்: 10.11.2023

கோயம்புத்தூர் மாவட்டம், மதுக்கரை வட்டம் ஒத்தக்கால்மண்டபம் உள்வட்டம், ஒத்தக்கால்மண்டபம் கிராமம் க.ச.520/1 நெ. காலையில் பெட்ரோலியம் (Class A&B) வகைகள் இருப்பு வைக்க M/s. Indian Oil Corporaion Limited நிறுவனத்திற்கு தடையின்மை சான்று வழங்கப்பட்டது தொடர்பாக தேசிய பசுமை தீர்ப்பாயத்தில் வழக்கு எண் 128/3 -ன் படி வழக்கு தொடரப்பட்டது தொடர்பாக பார்வையில் காணும் குறிப்பாணையில் அறிக்கை சமர்ப்பிக்க கோரியது தொடர்பாக விசாரணை மற்றும் புலத்தணிக்கை செய்து எனதறிக்கையை பின்வருமாறு சமர்ப்பிக்கின்றேன்.

மேற்படி பெட்ரோலியம் (Class A&B) வகைகள் இருப்பு வைக்க தடையின்மை சான்று வழங்கப்பட்டுள்ள மேற்படி இடமானது ஒத்தக்கால்மண்டபத்திலிருந்து செட்டிபாணையம் செல்லும் வழியில் சாலையின் வலதுபுறமாக சாலை ஓரத்தில் அமைந்துள்ளது.

1. புல எண் 520/1 ல் பெட்ரோல் நிலையத்திற்கு வடக்கில் புல எண் 503 ஒத்தக்கால்மண்டபம் ரோடு அமைந்துள்ளது.
2. மேற்படி பெட்ரோல் பங்க் வடக்கு மதிற்சுவரின் அருதியிலிருந்து சுமார் 35 மீட்டர் தொலைவிலும் தெற்கு மதிற்சுவரின் அருதியிலிருந்து சுமார் 23.0 மீட்டர் தொலைவிலும் புல எண் 519/2 ஓடையானது அமைந்துள்ளது.
3. மேற்படி பெட்ரோல் பங்கில் விநியோகம் செய்யப்படும் இயந்திரத்திலிருந்து சுமார் 42.0 மீட்டர் தொலைவிலும் மற்றும் டிற்றொரு இயந்திரம் சுமார் 40.8 மீட்டர் தொலைவிலும் அமைந்துள்ளது.
4. மேற்படி பெட்ரோல் நிலைய சேமிப்பு பகுதியிலிருந்து சுமார் 59.5 மற்றும் 54.2 மீட்டர் தொலைவில் மேற்படி புல எண் 519/2 ஓடையானது அமைந்துள்ளது.
5. மேலும் பெட்ரோல் நிலைய வடக்கு மதிற்சுவரிலிருந்து சுமார் 380.2 மீட்டர் தொலைவில் தனியார் பள்ளயின் மதிற்சுவர் அமைந்துள்ளது. என்பதை பணிவுடன் தெரிவித்துக்கொள்கின்றேன்.



உள்வட்ட அளவர்
ஒத்தக்கால்மண்டபம்
மதுக்கரை



District Collector's Office,
Coimbatore.

Date : .03.2023

R.Dis.No.16929/2021/J1

NO OBJECTION CERTIFICATE

(See rule 144)

With reference to the application dated **14.08.2021** submitted by **Divisional Retail Head, Coimbatore Divisional Office , M/s.Indian Oil Corporation Limited, Indian Oil Bhavan,8/1079, Avinashi road, Coimbatore** and in pursuance of rule 144 of the Petroleum Rules 2002, there is no objection for granting licence under the Petroleum Rules, 2002 to **M/s.Indian Oil Corporation Limited, Indian Oil Bhavan,8/1079, Avinashi road, Coimbatore** for storage of petroleum products **Class "A" - 20 KL and Class "B" - 20 KL** in their premises at **Survey No.520/1 Village: Othakalmandapam Taluk: Madukkarai District : Coimbatore, State : Tamil Nadu** as shown in the site plan duly endorsed and enclosed herewith.

1. The Following particulars have been considered while issuing this no objection certificate, that:-

- a) The lawful possession of the site by the applicant including authorization from land owner or lease holder for developing premises under these rules for storage of petroleum products.
- b) Interest of public, specially the offsite facilities like schools, hospitals or proximity to places of public assembly and the mitigating measures, if any, provided.
- c) Traffic density and impact on traffic.
- d) Conformity of proposal to the local or area development planning.
- e) Accessibility of the site to fire tenders in case of emergency and preparedness of fire services for combating the emergencies.
- f) Genuineness of purpose.
- g) Any other matter pertinent to public safety.

Conditions:

1. This NOC is issued based on the recommendation and reports of Revenue Divisional Officer, Coimbatore south, District Officer Fire & Rescue Services Coimbatore, Superintendent of Police Coimbatore and Divisional Engineer(H), Construction & Maintenance Coimbatore-18. *POLLICEN - 642002.*
2. This NOC is liable for cancellation at any time by following due proceedings in case of any violation noticed against the provision of petroleum rules, Implementation of National Highways Rules and Conditions or any other rules. Precautionary measures must be followed, without affecting the Surrounding areas and also Suitable Precautionary arrangements to be taken while construction.
3. Before issuance of License the agency should create pathway for vehicle movement from radial road to site.

Encl.: Approved site plan.

V/A
Additional District Magistrate
& District Revenue Officer,
Coimbatore

To

**M/s. Indian Oil Corporation Limited,
Indian Oil Bhavan,
8/1079,
Avinashi road,
Coimbatore -641018**

Copy to:

1. The Joint Chief Controller of Explosives
Ministry of Commerce & Industry,
Petroleum and Explosives, Safety Organization (PESO),
A&D - Wing, Block 1-8, IInd Floor, Shastri Bhavan,
26, Haddows Road, Nungambakkam, Chennai -600 006.
2. The Revenue Divisional Officer, Coimbatore South
3. The Superintendent of Police, Coimbatore.
4. The District Officer, Fire and Rescuer Department, Coimbatore.
5. Divisional Engineer(H), Construction & Maintenance, Coimbatore-18
6. The Tahsildar, Madukkarai



13 Ph : 04259 - 226770
Cell : 94431 94371, 98424 71851

e-mail: asradvocate@gmail.com
website : www.suryalawfirm.in

DATE: 27.08.2023

Application Under Section 6(1) for seeking information under the Right to
Information Act 2005.

To,
The Public Information Officer,
Officer of the Additional District Magistrate &
Revenue Officer,
Coimbatore



1.	Name of the applicant	:	V. Ayyasamy, aged about 54 years, S/o Venkatachala gounder, Near Mahalakshmi Bakery, Othakkalmandapam to Chettipalayam Road, Okkilipalayam Village, Othakkalmandapam (Post), Madukkarai Taluk, Coimbatore District.
2.	Gender	:	Male
3.	Father's Full Name	:	Venkatachala gounder
4.	Present Address with PIN Code to send information	:	V. Ayyasamy, aged about 54 years, S/o Venkatachala gounder, Near Mahalakshmi Bakery, Othakkalmandapam to Chettipalayam Road, Okkilipalayam Village, Othakkalmandapam (Post), Madukkarai Taluk, Coimbatore District.
5.	Telephone /Mobile Number	:	Cell Numbers:- 88670022600 (Client) 9443194371 (Advocate)
6.	e-mail id if any	:	asradvocate@gmail.com

7. Subject matter of information



Sub: Regarding grant of NOC and access permission for approach road to the new fuel filling station at K.M. 35/720 to K.M.35/755 (left side) of (SH-163) Palladam - Cochin frontier road Section in S.F.No.520/1 at Ollhakkalmandapam Village, Madukkarai Taluk, Coimbatore District in Tamilnadu State for Indian Oil Corporation Ltd., fuel (Diesel/Petrol) filling Station - Reg.

My client is the resident of the above said Village for several years. Now only my client heard about the formation of the New Petrol Bunk in the above said premises. Hence my client is filing this objections for himself and also on behalf of the welfare of the public nearby.

The applicant namely R. Gayathiri Devi, residing at No.18, Vasantham Nagar, Kovaipudur Privu, Kuniamuthur, Coimbatore Taluk by suppressing the existence of the temple, over bridge and the connected tar road and the opposite road in S.F.No.520/1 applied for dealership from Indian Oil Corporation. Hence my client submit this objections for granting no-objection certificate to Indian Oil Corporation.

Apart from that there is an odai runs on the western side of the S.F.No.520/1 (S.F.No.519) from south to north. The said odai start from pond which is situated on the southern side of the S.F No.520/1 (within 50 meters from the site) from south to north. The said odai is crossing the state Highway under the over bridge. Hence there is a risk, Due to flood there may be a chance to washway the entire bunk.

SURAJ B.S. CLSREV/7812/2023-J1
 A, B.A., L.L.B., (Hons)

FES



3

Durai's Complex
 Rajamill Road
 Pollachi - 642 001

Ph : 04259 - 226770
 Cell : 94431 94371, 98424 71851

e-mail: asradvocate@gmail.com
 website : www.suryalawfirm.in

On the Northern side of the road there is a well established school is vacated within 400 meters. Hence the school children is health is under dangerous. Apart from that, there is a north south tar road is running from south – north and it reaches east – west main state high way opposite to the proposed petrol bunk. Hence there is a chance for accident took place to the vehicle as well as the Petrol bunk. The proposed petrol bunk is formed in small village with a population of 500 peoples. For their convenience of the public already Hindustan Petroleum Corporation formed a Petrol Bunk and the same is functioning as on date. Hence it is an unnecessary for the formation of the another bunk within the short distance.

The common people is used to come to the temple for prayer regularly in the morning as well as in the evening . If the applicant is allowed to form the above said Petrol bunk, the common public will afraid of coming to the prayer and for good health. Hence the formation of the new petrol bunk will affect the health of the public also

Hence for the welfare of the public, My client hereby forward this objection for issuing the no-objection certificate. If the said No-objection certificate is not issued so far, kindly considered this objections. Otherwise, if the no-objection certificate was already issued, kindly furnish the copy of the no-objection certificate/ order passed by the concerned authorities. Herewith, my client enclosing necessary application fee by way of affixing court fees as per Tamilnadu Court Fees stamp Act for a sum of Rs.100/-

My Question is

1. When a temple, school, pond, odai and inter link road are existing on the opposite to the site, whether the Indian Oil Corporation is entitle to have a No-objection certificate from the concerned authorities.
2. Whether the No-objection is issued to the applicant's oil company namely Indian Oil Corporation.
3. If No-objection certificate/order of the authorities were already issued,, my client is not entitled to have the certified copy of the same from you.

8.	Specify the particulars of the information sought	:	Particulars are submitted above
9.	The information sought for is required to be supplied in certified copies.	:	YES
10	Vakkalath Nama		Enclosed

The application fee of Rs 25/- has been paid by affixing court fee stamp as per Rule 3 of the Tamil Nadu Right to Information (Fees) Rules 2005.

It is requested that the above information may kindly be furnished as expeditiously as possible to my above address:-

* V. Sundararaj

Place :- Okkilipalayam
Date :- 27.06.2023

Signature of the applicant.

A. ————

A. SUNDARARAJ, B.Sc., B.L.,
ADVOCATE [Enroll No : 459/1995]
215 203, 2nd Floor, Durais Complex,
Poyyal Road, Pollachi - 601
Mobile No : 92231 92371

My Question is

1. When a temple, school, pond, odai and inter link road are existing on the opposite to the site, whether the Indian Oil Corporation is entitle to have a No-objection certificate from the concerned authorities.
2. Whether the No-objection is issued to the applicant's oil company namely Indian Oil Corporation.
3. If No-objection certificate/order of the authorities were already issued,, my client is not entitled to have the certified copy of the same from you.

8.	Specify the particulars of the information sought	:	Particulars are submitted above
9.	The information sought for is required to be supplied in certified copies.	:	YES
10	Vakkalath Nama		Enclosed

The application fee of Rs 20/- has been paid by affixing court fee stamp as per Rule 3 of the Tamil Nadu Right to Information (Fees) Rules 2005.

It is requested that the above information may kindly be furnished as expeditiously as possible to my above address:-

V. Sivarajah

Place :- Okkilipalayam
Date :- 27.06.2023

Signature of the applicant.

A. SUNDARARAJ

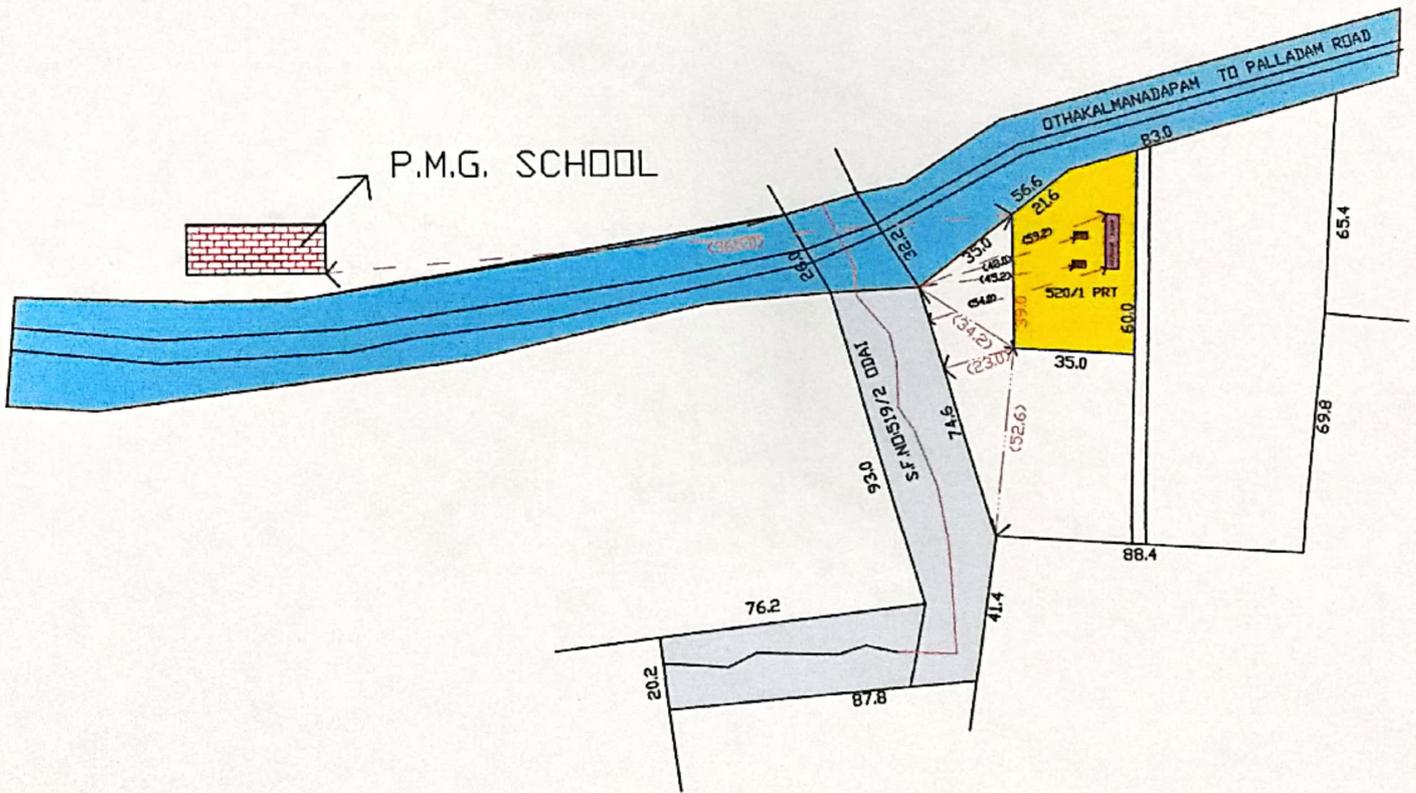
A. SUNDARARAJ, B.Sc., B.L.,
ADVOCATE (Enrol No : 452/1999)
215/204, 2nd Floor, Durais Complex,
Rajagopal Road, Poracchi - 605 001
Mobile No - 94471 92171

DISTRICT: COIMBATORE

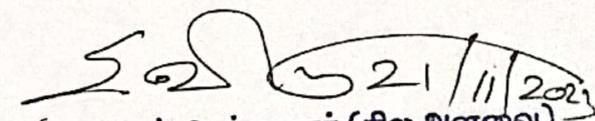
VILLAGE: OTHAKALMANDAPAM

TAULK: MADUKKARAI

S.F. NO: 520



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 மதுக்கரை வட்டம்
 கோவை மாவட்டம்