

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

**APPLICATION NO. 167 OF 2020 (SZ)**

A. Vijayan

... Applicant

**VERSUS**

**1.** District Collector and Ors.

...Respondents

**ADDITIONAL REPLY STATEMENT FILED BY THE 4<sup>th</sup> and 5<sup>th</sup>  
RESPONDENT**



**M/s. ABDUL SALEEM  
S SARAVANAN**

**COUNSEL FOR 4<sup>th</sup> and 5<sup>th</sup> RESPONDENT**

No.74 and 76, II and III Floors,  
SUKH SAGAR, MARSHALLS ENCLAVE,  
MARSHALLS ROAD,  
EGMORE, CHENNAI - 600 008

Mobile : +91 95000 69660  
E-mail : saleemperson@gmail.com

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

**APPLICATION NO. 167 OF 2020 (SZ)**

A. Vijayan  
S/o. Ayyakutty,  
Carol & Bharat Villai,  
Vijayapuram,  
Kirathoor Post,  
Kanyakumari District

... Applicant

**VERSUS**

1. The District Collector,  
Kanyakumari District,  
Nagercoil
2. The District Revenue Officer,  
Collectorate Office,  
Nagercoil,  
Kanyakumari District
3. The Revenue Divisional Officer,  
Vilavancode Taluk,  
Thuckalay,  
Kanyakumari District
4. The Deputy General Manager,  
Indian Oil Corporation Limited,  
Southern Region,  
Indian Oil Bhavan,  
No.139, Mahatma Gandhi Road,  
Nungambakkam High Road,  
Chennai - 600 034
5. The Divisional Manager,  
Indian Oil Corporation,  
Kappallur,  
Madurai

Corrections: Nil  
Page No: 1



  
**DIVISIONAL RETAIL HEAD**  
Indian Oil Corporation Limited  
Madurai Divisional Office  
No.2, Race Course Road  
Chokkikulam, Madurai - 625 002.

6. The Assistant Director of Pollution Control,  
Water Tank Road,  
Nagercoil,  
Kanyakumari District,
7. Antony Vijayan,  
S/o. Singarajan,  
Kalingarajapuram,  
Vallavilai,  
Kollemcode Post,  
Kanyakumari District.

... Respondents

**ADDITIONAL REPLY STATEMENT FILED ON BEHALF OF 4<sup>th</sup>  
AND 5<sup>th</sup> RESPONDENT**

I, Mahesh S, Son of Mr. M Subramanyan, aged 39 years, having address at No.2, Race course Road, Chokkikulam, Madurai, working as Divisional Retail Head, Madurai DO do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the Divisional Retail Head of Indian Oil Corporation Limited, Madurai Division representing the 4<sup>th</sup> and 5<sup>th</sup> Respondents herein and as such I am well acquainted with the facts of the case from the records and I am authorized to file this Reply Statement on behalf of the sixth Respondent.

2. I humbly submit that the present application has been filed under Section 18(1) read with Section 14 of the National Green Tribunal Act, 2020, by the Applicant for the following relief:

"i) *Directing the respondents 1 to 6 from permitting to carry on petroleum retail outlet in violation of the guidelines of Pollution Control Board dated 16.01.2020 within 50*

Corrections: Nil  
Page No: 2



  
**DIVISIONAL RETAIL HEAD**  
Indian Oil Corporation Limited  
Madurai Divisional Office  
No.2, Race Course Road  
Chokkikulam, Madurai - 625 002.

*metres radius from the applicant's residential house situated at Re Survey No. 675/7 and 675/8A of Kollencode Village, Vilavancode Taluk of Kanyakumari District.*

- ii) Grant permanent injunction restraining the 7<sup>th</sup> Respondent from carrying on petroleum outlet in Re survey No. 675/7 and 675/8A of Kollencode village, Vilavancode Taluk or Kanyakumari District.*
- iii) To pay the cost and thus render justice".*

**3.** It is submitted that the respondent has already filed a detailed reply statement along with documents and detailed written arguments before this Hon'ble Tribunal and made oral arguments in detail. Considering the above the Honorable Tribunal was pleased to reserve judgement, however this Honorable Tribunal in its order dated 10.02.2022, has reopened the above case and raised the following query:

*"2. On going through the pleadings while making dictation, we felt it is necessary to ascertain as to whether in the conditions of tender notice issued by the Oil Marketing Companies and the applications filed by them for permission before the various authorities, whether anything was mentioned about the compliance of guidelines provided by the Indian Roads Congress Circular No. 12 of 2009 to ascertain as to whether there was any violation committed by them in this regard."*

Corrections: Nil  
Page No: 3



  
**DIVISIONAL RETAIL HEAD**  
Indian Oil Corporation Limited  
Madurai Divisional Office  
No.2, Race Course Road  
Chokkikulam, Madurai - 625 002.

4. I humbly submit that though the above queries are not related to any Environmental issue and this Hon'ble Tribunal has no jurisdiction to interfere with the same. However, in compliance of the above direction of this Honorable Tribunal, this respondent filed documents as directed and the same were considered by this Honorable Tribunal and in its order dated 08/03/2022 has directed as follows :

*"Further, they are also directed to file a statement regarding the applicability of the IRC Rules irrespective of the decision that has been relied on by them as to whether it is situated in the National Highway or in the State Highway and whether the tender condition contains this clause."*

5. I humbly submit that the reply statement and written arguments filed by this respondent may be treated as part and parcel of this additional statement.

6. I humbly submit that the applicant has not raised any pleading or averment or raised any allegation in the application with respect to the subject retail outlet not being in compliance with the IRC norms.

7. I humbly submit that IRC is merely a guideline issued by the Indian Road Congress which is only a society registered under Societies Registration Act. Hence these guidelines are not statutory in nature. IRC guidelines are mostly recommended practice for access permission for fuel stations, private properties along the highways.

8. I humbly submit that, this respondent has established the fuel retail outlet at Survey No. 675/7 and 675/8A of Kollencode Village,

Corrections: Nil  
Page No: 4



  
**DIVISIONAL RETAIL HEAD**  
Indian Oil Corporation Limited  
Madurai Divisional Office  
No.2, Race Course Road  
Chokkikulam, Madurai - 625 002.

Vilavancode Taluk of Kanyakumari District and obtained necessary permissions from the competent authorities such as Initial PESO license, Local body, Revenue Department as per the prevailing rules and in accordance with law.

**9.** I humbly submit that the subject retail outlet is located on State Highway, however IRC norms were not notified in the State at the time of establishment of the Retail Outlet and as such was not applicable for the subject retail outlet.

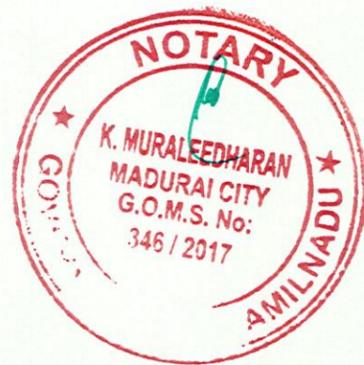
**10.** I humbly submit that the subject retail outlet meets all safety norms as per PESO as well as CPCB for establishment of retail outlet. This respondent will take care of all safety norms, distances, in establishing and operating the retail outlet. All due precautions and efforts will be made in dealing with petroleum vapor as being done at thousands of retail outlets across the country.

**11.** I humbly submit that the applicant with an ill intention to stall the operation of the subject retail outlet, has filed the present application and the same is an abuse of process of law. Further, he is not entitled to any relief as claimed in the present application.

For the reasons stated above, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above application with heavy cost and pass such further or other orders as this Hon'ble Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

**Dated at Madurai on this the 22nd day of March, 2022**

Corrections: Nil  
Page No: 5



  
**DIVISIONAL RETAIL HEAD**  
Indian Oil Corporation Limited  
Madurai Divisional Office  
No.2, Race Course Road  
Chokkikulam, Madurai - 625 002.

**VERIFICATION**

I, Mahesh S, Son of Mr. M Subramanyan, aged 39 years, having address at No.2, Race course Road, Chokkikulam, Madurai, working as Divisional Retail Head, Madurai Division do hereby verify that the contents of Paragraph Nos. 1 to 11 are true to the best of my knowledge and Paragraph Nos. 1 to 11 are believed to be true on legal advice and that I have not suppressed any material fact.

**Verified at Madurai on this the 22nd day of March, 2022**

**4<sup>th</sup> and 5<sup>th</sup> RESPONDENT**

**DIVISIONAL RETAIL HEAD**  
Indian Oil Corporation Limited  
Madurai Divisional Office  
No.2, Race Course Road  
Chokkikulam, Madurai - 625 002.

*Signed before me*

**K. MURALEEDHARAN**  
**ADVOCATE / NOTARY**  
No. 5, West Avani Moola Street  
MADURAI - 625 001  
Ph. off: 2340299 Resi: 2384795  
Cell: 94430 - 16002

