

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

ORIGINAL APPLICATION NO. 176 of 2020 (SZ)

IN THE MATTER OF

V.B.R. Menon, B.E (Mech), MBA (IIMA), LLB,
Advocate, Chennai - 600 078

... Applicant

And

1. The Commissioner of Police,
Trichy City Police Office
Tiruchirappalli – 620 020 and 5 others

... Respondents.

WRITTEN SUBMISSIONS FILED BY THE APPLICANT

Filed by :



Place : Chennai - 600 078
Date : 22.01.2021

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MOST RESPECTFULLY SHOWETH :

1. That the above titled application was filed under Section 14 of the National Green Tribunal Act, 2010 seeking

(a) to permanently forebear the 6th Respondent to opening and operating a New Road-side Petroleum Retail Outlet at Survey No. 2470, Ward-B, Block-38, Thimmarayasamudhiram Village, Ammamandapam, Sreerangam, Tiruchirappalli, adjacent to several residential buildings and commercial building and in 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 and the norms prescribed under the Circular No. 12-2009 by the Indian Road Congress.

and

(b) to 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. As regards violation of the norms prescribed for Siting of Fuel Stations on Public Roads under IRC Circular nO.12-2009 , **none of the Respondents have denied the same and hence the allegations raised by the Petitioner in this regard stand admitted .**

3. Violations of IRC 12-2009 Norms shall constitute a wanton violation of the affidavit filed by the T.N. Government before the Hon'ble Division Bench of Madras High Court in WP No. 691 of 2017 as well as open violations of the Circulars issued by the Principal Secretary, Tamilnadu Highways Department and Tamilnadu DGP directing mandatory compliance of IRC 12-2009 Norms while issuing NOC to Petroleum Retail Outlets in Tamilnadu. (Ref : Page Nos. 25 - 27 and 57 - 59 of the Original Application) .

4. Perusal of the **copy of the approved site drawing shall expose the fraud and misrepresentation committed by the 6th Respondent , through false certification and suppression of relevant facts, in the Site drawing submitted for approval/ licence to the 1st and 3rd Respondents which they had mechanically approved . (Ref: Copy of the Approved Site drawing has been submitted as EXHIBIT No.1 in the Common Rejoinder dated 30.12.2020)**

5. The 6th Respondent had falsely certified in the site drawing that all the necessary **prior approvals and clearances** have been obtained from MOP, IRC and all other concerned departments which is not true . **No statutory approvals for undertaking Site development and construction works have been received till date from the Trichy Corporation and no NOC has been obtained from the Highways department regarding compliance of IRC Norms .**

6. The 6th Respondent has mischievously omitted to mention in the approved site drawing that the adjacent buildings are Residential apartments by simply stating those as " buildings " .



7. The Committee , constituted by this Hon'ble Tribunal vide the order dated 17.09.2020 , consisting of the District Collector, Trichy and TNPCB , has submitted the report giving a definite finding regarding violation of 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 . The findings of this Committee shall be conclusive as regards the violation of Siting Criteria , prescribed by CPCB., by the 6th Respondent in respect of the proposed site.

8. The only purpose and objective sought to be achieved by prescribing the siting criteria for new Petroleum Retail Outlets by CPCB , as per the recommendations of the Expert Committee, has been to avoid/mitigate the potential environmental hazards to public which are associated with the continuous emission of Petroleum Vapour containing extremely harmful Volatile Organic Compounds(VOC) from the Petroleum Retail Outlets .

9. Hence, the above CPCB Norms shall constitute an integral part of the Right to life guaranteed under Article 21 of the Constitution of India which shall supersede/ override all other statutory provisions at variance or contrary to the same.

10. The entire submissions by the 6th Respondent that the area is not a designated residential area, etc. are liable to be outrightly rejected as the proposed site was surrounded by several residential buildings much before the establishment of the above outlet. Moreover, the proposed site was having a residential building which was used earlier as the administrative office of HR&CE department in Sri Rangam. ([Ref : Page Nos. 15 to 21 of the Original Application](#))

11. The Petitioner has submitted a web copy of the land classification of the proposed site, as shown in the Registration Department web-site, which shows that the proposed site is a Temple land belonging to



the government. ([Ref; Copy of the site details taken from the Registration Department website has been submitted as EXHIBIT No. 2 of the Rejoinder dated 30.12.2020](#)).

12. The argument by the 6th Respondent that Annexure - XVIII under Rule 33 of the Tamilnadu Combined Development and Building Rules, 2019 permits setting up of Fuel stations **anywhere inside residential and commercial zones** is totally flawed. The above Rules only permit setting up of fuel stations within earmarked sites inside the residential / commercial zones as per the approved master plans and subject to any other rules, regulations and norms in force. The CPCB Siting criteria, prescribed for the protection of public health and safety, shall be one of such important restrictions applicable while issuing site approvals for Petroleum outlets within residential and commercial zones.

13. If the above bizarre argument of the 6th Respondent is accepted, the Siting criteria prescribed by CPCB for new Petroleum Outlets shall become meaningless and ineffective to the detriment of public health. **With so many residential buildings and apartments situated all around the Petroleum Retail Outlet, a fire from any of the adjacent kitchens or fireworks during celebrations shall be sufficient to ignite a huge fire tragedy engulfing the entire area.**

14. That the purposeful interpretation of the term "residential areas designated as per local laws" in the Siting Criteria to include all "existing residential buildings and apartments" may be necessary to remove any ambiguity and to achieve harmonious interpretation of the Tamilnadu Combined Development and Building Rules, 2019 and the Siting Criteria prescribed by CPCB for new Petroleum outlets.

15. The 6th Respondent has shown scant respect towards the laws of the land and has gone ahead and completed the construction works at site disregarding the show cause notice, stop work notice and even filing of a charge sheet against him by the 4th Respondent in the Magistrate Court.



16. The averment by the 1st Respondent that Vapour recovery systems shall be installed at site is a bald claim as the approved site drawing does not show any provision for the installation of VRS at the site.. The 1st Respondent has also admitted that the No-Objection Certificates are issued based on the field verification by the Jurisdictional Police Officers whereas the Local Inspector of Police had objected to the same and it has not been denied by the 1st Respondent , except only claiming that it is a confidential report .

17. The **very same 1st Respondent had cancelled the NOC issued to another OMC in Trichy vide the Order dated 10.02.2020 by citing the proximity of the proposed outlet to the nearby residential apartments and residential buildings as the reason , after the matter was remanded back to him by a Hon'ble Division Bench of Madurai High Court vide Judgement dated 05.08.2019 in WP (MD) No. 5690 of 2019. (Ref; Copy of the NOC Cancellation order dated 10.02.2020 is submitted as EXHIBIT No.3 of the Rejoinder dated 30.12.2020).**

18. The 6th Respondent has made an irresponsible statement that he has obtained all the necessary permissions from the 3rd Respondent and hence violations of IRC Norms, Siting criteria by CPCB , Local Body Approvals, etc. are inconsequential and irrelevant. Even filing of the charge sheet by the 4th Respondent before the Hon'ble Magistrate Court has not reined in him to comply with the local body rules or forced him to deter from showing disrespect to the laws of the land .

19. The only interest that the Petitioner has in this matter is to to protect the health and safety of a large number of hapless persons , residing in the adjacent apartments , and also to see that the attempts by the 1st and 6th Respondents to perpetrate the various illegalities do not succeed in establishing new Petroleum Retail outlets to the detriment of public health .
(**Ref : Page Nos. 61,62 and 66 of the Original Application).**



20. The averments made by the Applicant in the Original Application dated 08.09.2020 and the Rejoinder dated 30.12.2020 may be read as a part and parcel of this Written Submissions for better appreciation of the facts of the case .

It is therefore prayed that this Hon'ble Tribunal may be pleased to allow the Original Application as prayed for and thus render justice.

Dated at Chennai on this 22nd day of January, 2021



V.B.R. MENON
Applicant.

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Original Application No. 176 of 2020 (SZ)

V.B.R. Menon,
B.E (Mech), MBA (IIMA), LLB,
Advocate,
Flat No: 4B, Brook Dale Apartments,
No:12, P.T. Rajan Salai,
K.K. Nagar, Chennai – 600 078 ... Applicant

And

The Commissioner of Police,
Trichy City Police Office
Pudukkottai Main Road,
Subramaniapuram
Tiruchirappalli - 620 020
and 5 others Respondents

**WRITTEN SUBMISSIONS BY THE
APPLICANT**

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