

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,  
Flat No: 4B, Brook Dale Apartments,  
No:12, P.T. Rajan Salai,  
K.K. Nagar, Chennai – 600 078

... Applicant

and

1. The Commissioner of Police,  
Trichy City Police Office  
Pudukkottai Main Road, Subramaniapuram,  
Tiruchirapalli – 620 020  
and 5 others

... Respondents

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Filed by :



Place : Chennai - 600 078  
Date : 12.02.2022

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**MEMO FILED BY THE APPLICANT**

The Applicant respectfully submits the following clarification sought by this Hon'ble Tribunal in the matter vide the order dated 10.02.2022 in OA No. 176 of 2020 (SZ) .

1. The 6<sup>th</sup> Respondent, M/s Indian Oil Corporation Ltd., had got the Site Layout drawing dated 01.09.2017 approved from the 3<sup>rd</sup> Respondent by falsely certifying therein that “ *necessary approvals/ clearances from MOP, IRC and all other relevant Government departments have been obtained. It is relevant to note that the 6<sup>th</sup> Respondent had got the possessory rights over the site only 3 years later through execution of a lease deed on 01.07.2020 which shall raise serious doubts about the collusive and despicable conduct of the 3<sup>rd</sup> Respondent in the entire matter ( Ref; Page No. 10 , Exhibit No-1 to the Rejoinder dated 27.12.2020 filed by the Applicant) .*
2. However, the State Highways Department , the competent authority to grant permission for access to the public roads , has not granted the NOC for the proposed site and violation of IRC Norms have also not been disputed by any of the Respondents.
3. The 4<sup>th</sup> Respondent has filed a Counter Affidavit wherein it has been averred that the application submitted by 6<sup>th</sup> Respondent for prior approval / permission to carry out the site development and construction works at the proposed site had been rejected. However, the 6<sup>th</sup> Respondent had gone ahead and commissioned the outlet , which shall constitute serious infraction of Sec. 47 &48 of Tamilnadu DTCP Act,

1971 and Sec.272 to 275 of the Coimbatore City municipal Corporation Act, 1981 which has been adopted in the Trichy City Municipal Act,1994.

4. The 4<sup>th</sup> Respondent has further averred that consequential penal actions have been initiated under Sec. 296 and 297 of the Coimbatore City municipal Corporation Act, 1981 and charge sheet has been filed in the Magistrate Court which shall conclusively establish that the entire site development and constructions carried out by h 6<sup>th</sup> Respondent at the above site were illegal and hence are liable to be demolished and removed *as neither DTCP Act, 1971 nor Trichy City Municipal Act, 1994 permits post- approval and regularization of unauthorized and illegal site developments and constructions made after 31.03.2002 .*
5. Hence, irrespective of the outcome of the proceedings initiated under Sec. 296 and 297 of the Trichy City Municipal Act, 1994 or the decision of the criminal court , the illegalities committed by the 6<sup>th</sup> Respondent are not curable under the relevant statutes. Accordingly, the existing site is liable to be restored to the original condition after closing down the Petroleum Outlet.
6. The Prior Site Approval by the 3<sup>rd</sup> Respondent has clearly prescribed in the last line of the order that “ *this approval /permission, however, does not absolve from obtaining necessary permissions/ clearances from other authorities or under other statutes as applicable*”. Hence, approval/ permission of 3<sup>rd</sup> Respondent alone is not sufficient to open and operate the proposed Outlet and the blatant violation of local body rules committed by the 6<sup>th</sup> Respondent shall be fatal **( Ref; Page No. 1 of Documents filed by the 6<sup>th</sup> Respondent on 06.07.2021).**

Hence, it is humbly prayed that this Hon'ble Tribunal may take notice of the above facts and thus render justice.

Dated at Chennai on this 14<sup>th</sup> day of February , 2022



V.B.R. Menon  
Applicant

## EXTRACT OF SEC. 272, 273, 274, 296 AND 297 OF THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981

### **272. Application to construct or reconstruct building. —**

(1) If any person intends to construct or reconstruct a building, he shall send to the Commissioner –

(a) an application in writing for approval of the site together with a site-plan of the land, and

(b) an application in writing for permission to execute the work together with a ground plan, elevations and sections of the building and a specification of the work.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or by-laws.

**273. Necessity for prior approval of the site.** —The Commissioner shall not grant permission to construct or reconstruct a building unless and until he has approved of the site on an application made under section 272.

### **274. Prohibition against commencement of work without permission. –**

(1) The construction or reconstruction of a building shall not be begun unless and until the Commissioner has granted permission for the execution of the work.

(2) While granting permission under sub-section (1), the Commissioner may specify in writing, the precautions to be observed with reference to the constructions or reconstruction by the person making the application under subsection (1) of section 272 and such person shall be responsible for the due observance of the precautions

**296. Demolition or alteration of building or well-work unlawfully commenced, carried on or completed.** — (1) If the Commissioner is satisfied –

(i) that the construction or reconstruction of any building or well –

(a) has been commenced without obtaining the permission of the Commissioner or where an appeal or reference has been made to the Standing Committee, in contravention of any order passed by the Standing Committee, or

(b) is being carried on, or has been completed otherwise than in accordance with the plans of particulars on which such permission or order was based, or

(c) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or by-law made under this Act or of any

direction or requisition lawfully given or made under this Act or such rules or by-laws, or

(ii) that any alterations required by any notice issued under section 282 have not been duly made, or

(iii) that any alteration of, or additions to, any building or any other work made or done for any purpose, into or upon any building has been commenced or is being carried on or has been completed in breach of section 295. he may take a provisional order requiring the owner or the builder or the occupier to demolish the work done, or so much of it, as in the opinion of the Commissioner has been unlawfully executed, or to make such alterations as may, in the opinion of the Commissioner be necessary to bring the work into conformity with the provisions of the Act, rules, by-laws, direction or requisition as aforesaid or with the plans or particulars on which such permission or order was based, and may also direct that until the said order is complied with the owner or builder or the' occupier shall refrain from proceeding with the building or well.

(2) The Commissioner shall serve a copy of the provisional order made under subsection (1) on the owner or the occupier of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner or the occupier fails to show cause to the satisfaction of the Commissioner, the Commissioner may confirm the order with any modifications as he may think fit to make and such order shall then be binding on the owner or the occupier.

**297. Power. of Commissioner to direct removal of persons directing or carrying on construction of buildings, etc. —**

(1) If the construction or reconstruction of any building or well –

(a) is commenced without the permission of the Commissioner, or

(b) is carried on otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or by-law made under it, or of any direction or requisition lawfully given or made, the Commissioner may, after three days notice, direct that any person directing or carrying on such construction or reconstruction, or any person employed in the execution thereof in such building or well or any other place adjacent thereto shall be removed from such building, well or place.

(2) It shall be the duty of every Police Officer to assist the Commissioner or any Officer or servant of the Corporation reasonably demanding his aid for carrying into effect the direction given by the Commissioner under sub-section(1).

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MATTER MAY BE LISTED ON  
21.02.2022

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

**MEMORANDUM OF APPLICATION  
(Under Sec.18 (1) r/w Section 14 (1) of  
National Green Tribunal Act, 2010)**

**Application No. 176 of 2020 (SZ)**

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B.E (Mech), MBA (IIMA), LLB,  
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MEMO FILED BY THE  
APPLICANT

**V.B.R Menon, B.E, MBA(IIMA), LLB,  
Party-in-Person  
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