

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No. 178 of 2023 (SZ)**

**In the matter of:**

Cuddalore District Growth of Consumer Protection Society

Rep. by its General Secretary,

Cuddalore.

...Applicant(s)

Versus

The District Collector,

Cuddalore and others

...Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel of Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

**Date: 08.02.2024**

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE AT  
CHENNAI

ORIGINAL APPLICATION NO.178 OF 2023(SZ)

Between

Cuddalore District Growth of Consumer  
Protection Society, rep. by its  
General Secretary K.S.Sethu,  
No.66, 4<sup>th</sup> Street, Thiruppanampakkam,  
Kalaiyur Post,  
Cuddalore Taluk and District 607 109.

...Applicant

-VS-

1. The District Collector,  
Gundu Salai Road, Alpet,  
Manjakuppam, Cuddalore 607 001.
2. The Revenue Divisional Officer,  
Cuddalore Division,  
Cuddalore 607 001.
3. The Tamil Nadu Pollution Control Board,  
Rep. by its Joint Commissioner,  
No.25, Developed Plots, Thuvakudy,  
Trichy 620 015.
4. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Plot No.A-3, Sipcot Industrial Complex,  
Kudikadu, Cuddalore 607 005.
5. The District Officer,  
Fire and Rescue Services,  
Beach Road, Cuddalore 607 001.
6. The Tahsildar,  
Cuddalore Taluk,  
Beach Road, Cuddalore 607 001.

7. Indian Oil Corporation Limited,  
Rep.by its Divisional Officer,  
Trichy Divisional Office,  
"TRIVENI" 3<sup>rd</sup> Floor, B-35, Shastri Road,  
Thillai Nagar, Trichy 620 018.

8. Azhaganathan,  
S/o Krishnamoorthy,  
No.1, Azhagappa Nagar, Manjakuppam,  
Cuddalore 607 001.

....Respondents

#### COUNTER AFFIDAVIT FILED BY THE FIFTH RESPONDENT

I, K.Kumar son of Kaliyamoorthy Hindu, aged 53 years residing at  
No.22, Pounambal Nagar, Thirupathiripuliyur, Cuddalore – 607 002 do hereby  
solemnly affirm and sincerely state as follows:

1. I am the District Officer, Fire and Rescue Services, Cuddalore  
District, Cuddalore and the Fifth respondent herein and as such I am well  
acquainted with the fact of the case from records. I have read the Memorandum  
of Application filed by the applicant and deny all the allegations contained  
therein except those that are specifically admitted herein.

2. It is submitted that the applicant has filed the present application  
before this Hon`ble Green Tribunal, South Zone praying for grant of  
permanent injunction restraining the respondents from setting up petrol pump  
Outlet in S.No.2241/4, Ward No.3, Block No.58 in Karaiyeravittakuppam,  
Cuddalore Taluk and District.

3. It is submitted that the above Original Application is no maintainable either in law or on facts and the same is liable to be dismissed in limine.

4. It is submitted that the District Revenue Officer, Cuddalore District, Cuddalore, herein memorandum ref. no.C1/338526/2022, Dated 10.11.2022 requesting to grant permission to set up a storage of petroleum products in their premises at Survey No.2241/4, Ward No,3, Block No.58, Thiruppapuliyur, Cuddalore Taluk, Cuddalore District classified as 'wetland' and an extent of 0.0850 Sq.m of Karaiyeravettakuppa (MPL), Cuddalore Taluk, Cuddalore District.

5. It is submitted that the following particulars have been duly considered:

- a) Possession of the site by the applicant is lawful and authorization from land owner (or) lease holder for developing premises under these rules for storage of Petroleum Products.
- b) Interest of Public, specially the facilities like schools, hospitals or proximity to places of public assembly and the mitigating measures, if any is provided.
- c) Traffic density and impact on traffic.
- d) Accessibility of the site to fire tenders in case of emergency and preparedness of fire services for combating the emergencies.
- e) Genuineness of purpose.
- f) Any other matter pertinent to public safety.

6) It is submitted that after due consideration of the above, the respondent issued No Objection Certificate to The District Revenue Officer, Cuddalore District, Cuddalore to set up storage of petroleum products in their premises at Survey No.2241/4, Ward No,3, Block No.58, Thiruppapuliur, Cuddalore Taluk, Cuddalore District classified as 'wetland' and an extent of 0.0850 Sq.m of Karaiyeravettakuppa (MPL), Cuddalore Taluk, Cuddalore District. It is pertinent to state that the No Objection Certificate was issued particularly directing the application that the conditions prescribed in the annexure have to be followed scrupulously and if any violation is found, the NOC is liable for cancellation.

7. It is pertinent to submit that this respondent personally inspected the site in which the new retail outlet is set up by following the guidelines issued by the Central Pollution Control Board, Delhi in Memorandum No.B-13011/1/2019-20/AQM dated 07.01.2020 for setting up of New Petrol Pumps in compliance of Hon`ble National Green Tribunal order dated January 18, 2019 in O.A.No.86/2019 *O Gyanprakash @ Pappu Sing Vs Gol & others* and found that there is no schools, hospitals (10 beds and above) and residential are designated as per local laws within 30 meters from the new retail outlet and the distance between the new retail outlet and the existing school is 32 meters and no high tension line passes over the retail outlet. Since the new retail outlet is set up by following the guidelines issued by the Central Pollution Control Board, New Delhi in Memorandum No.B-13011/1/2019-20/AQM dated 07.01.2020, this respondent issued No Objection Certificate to M/S.Indian Oil Corporation Limited.

8. It is submitted that the No Objection Certificate is issued to M/S.Indian Oil Corporation Limited only after following the existing rules and there is no violation of any rules. Hence, the above application is liable to be dismissed.

It is therefore prayed that this Hon`ble Green Tribunal may be pleased to dismiss the above Original Application and thus render justice.

Solemnly affirmed at

on this the 31st day of Jan 2024

and signed his name

in my presence

  
**DISTRICT OFFICER,  
FIRE & RESCUE SERVICE DEPT.  
CUDDALORE DISTRICT,  
CUDDALORE.**

: BEFORE ME