

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

(Under Rule 16(1) of National Green Tribunal (Practice and
procedure) Rules 2011)

APPLICATION No. 176 of 2020

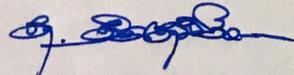
V.B.R Menon ,
Advocate,
Flat No: 4B, Brook Dale Apartments,
No:12, P.T.Rajan Salai,
K.K.Nagar, Chennai - 600078.

...Applicant.

And

1. The Commissioner of Police,
Trichy City Police Office,
Pudukkottai Main Road,
Subramaniapuram,
Tiruchirapalli - 620020.
2. Joint Chief Environment Engineer
Tamilnadu pollution Control Board,
No.25, Developed Plots, Thuvakudy,
Trichy - 620015.
3. The Joint Chief Controller of Explosives,
A and D Wing, Block 1-8,
2nd Floor, Shastri Bhavan,
No.26, Haddows Road, Ningambakkam,
Chennai - 600006.
4. The Commissioner
Trichy City Municipal Corporation,
No.58, Bharathidasan Salai,
Tiruchirapalli - 620001.
5. The District Collector,
Trichy District,
District Collector Office,
Raja Colony,
Tiruchirapalli - 620001.
6. Ms/ Indian Oil Corporation Ltd,
Rep.by The Divisional Manager,
3rd Floor, No.B35, Shastri Road,
Thillai Nagar,
Trichy - 620018.

... Respondents.



COMMISSIONER
Tiruchirappalli City Corporation

COUNTER STATEMENT OF 4TH RESPONDENT

I, S.Sivasubramanian , S/o.SubbiahPillai , Hindu, aged about 56 years, working as Commissioner, Tiruchirappalli City Municipal Corporation , Tiruchirappalli District, Trichy now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:-

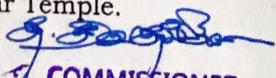
1. All the averments as stated in the application denied as false except those are specifically admitted hereunder .

2. The Application filed by the applicant is not maintainable as against the 4th respondent, since no cause for action was arisen as against the 4th respondent as per the averments as stated in the application.

3. The Application filed by the Applicant is liable to be dismissed as against the 4th respondent , since the allegation is only against the other respondents in the application , except the 4th respondent.

4. The Applicant filed this application to stall the operation of new road side petroleum retail outlet at Survey No. 2470 , ward B, block 38, Thimmarayasamudhiram Village , Amma Mandapam, Srirangam , Trichy, for the reason that several residential building and commercial buildings and in violation to the 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 , maintained for the Road Norms .

5. The 4th respondent submit on 04.08.2020, by the proceedings in Na.Ka.No. F1/3596/2020(Sri) dated 04.08.2020, in pursuant of the compliant given by a person namely J.Sakthi , to the Joint Commissioner of Srirangam Aranganathar Temple , to take appropriate steps for making an application for establishing petrol outlet, since the land in Survey No. 2470 , ward B , block 38, Thimmarayasamudhiram Village , Amma Mandapam, Srirangam , Trichy, belongs to Srirangam Aranganathar Temple.

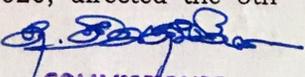

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6. The 4th respondent submit that in pursuant of the proceedings in Na.Ka.No. F1/3596/2020(Sri) dated 04.08.2020, the Joint Commissioner Srirangam Aranganathar Temple, in the proceedings in Na.ka.No. 3408/1426/C3/ dated 07.08.2020, had send a communication to the 4th respondent office , received on 12.08.2020, replied that as per the proceedings of the Principal Secretary / Commissioner of HR&CE, in the proceedings in Na.Ka.No.48373/2018/R3 dated 29.11.2019, permission was given to the 6th respondent on rental basis in Survey No. 2470 , ward B , block 38, Thimmarayasamudhiram Village , Amma Mandapam, Srirangam , Trichy, belongs to Srirangam Aranganathar Temple, further no such proceedings was issued by the assistant commissioner Sreerangam Zone Trichy Corporation dated 06.05.2020, as if referred in serial No. 2 in the proceedings in Na.ka.No. 3408/1426/C3/ dated 07.08.2020.

7. The 4th respondent submit that the copy of the proceedings in Na.ka.No. 3408/1426/C3/ dated 07.08.2020 also communicated to the branch manager 6th respondent Trichy by the Joint Commissioner of Srirangam Aranganathar Temple, HR&CE and also directed the manager 6th respondent Trichy , to get appropriate planning permission and building permission from the Trichy Corporation and to proceed further with the construction by 6th respondent Trichy .

8. The 4th respondent submit that the 6th respondent did not adhere with the Order of Joint Commissioner of Srirangam Aranganathar Temple, HR&CE dated 07.08.2020, and also did not adhere the provisions of Tamil Nadu Town and Country Planning Act 1971 for obtaining planning permission and building permission under the provisions of Coimbatore City Municipal City Corporation Act 1981, which is applicable to Trichy City Municipal Corporation Act 1994, as per Section 8.

9. The 4th respondent submit that in such circumstances the Trichy Corporation by the proceedings in Na.Ka.No.F1/3596/2020 (Sri) dated 18.08.2020, directed the 6th

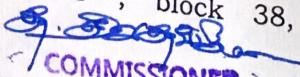

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respondent to obtain appropriated building permission and planning permission as per law.

10. The 4th respondent submit that in spite of communication in Na.Ka.No.F1/3596/2020 (Sri) dated 18.08.2020, the 6th respondent did not obtain any building permission and planning permission as per law for proceeding with the construction works for petroleum outlet in Survey No. 2470 , ward B , block 38, Thimmarayasamudhiram Village , Amma Mandapam, Srirangam , Trichy, and in such circumstances action was taken under Section 296(1) and (2) of Coimbatore City Municipal City Corporation Act 1981 by an order dated 20.08.2020 in the proceedings in F1/3705/20 to the Joint Commissioner of Srirangam Aranganathar Temple, HR&CE Trichy and bank manager Indian oil Corporation, owner of the land in Survey No. 2470 , ward B , block 38, Thimmarayasamudhiram Village , Amma Mandapam, Srirangam , Trichy and the rental agreement holder respectively .

11. The 4th respondent submit that in spite of the proceedings in in F1/3705/20 dated 20.08.2020, the 6th respondent proceeded with the construction unauthorized in Survey No. 2470 , ward B , block 38, Thimmarayasamudhiram Village , Amma Mandapam, Srirangam , Trichy, hence Stop work notice was issued by the Trichy Corporation in the proceedings in Na.Ka.No.F1/3705/2020 dated 27.08.2020 to the Joint Commissioner of Srirangam Aranganathar Temple, HR&CE Trichy and bank manager Indian oil Corporation, owner of the land in Survey No. 2470 , ward B , block 38, Thimmarayasamudhiram Village , Amma Mandapam, Srirangam , Trichy and the rental agreement holder respectively .

12. The 4th respondent submit that Mr.Senthil Arugumugam claimed as a public activist (Sata Panchayat Iyakam), had given a representation to Trichy Corporation dated 28.08.2020, reached the main Trichy Corporation office on 31.08.2020, and the same was forwarded to Srirangam Zone Corporation Office on 01.09.2020, requesting the corporation to forbid the construction of the Petrol Bunk in the Survey No. 2470 , ward B , block 38,

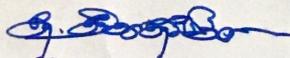

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Thimmarayasamudhiram Village , Amma Mandapam, Srirangam , Trichy and request the Trichy Corporation to stop the construction of the petrol out let immediately .

13. The 4th respondent submit the 6th respondent had made an application for building permission and planning permission on 03.09.2020 with Trichy Corporation without paying necessary fees for building permission and planning permission and also did not submit the necessary document along with the building and planning application to proceed further by the Trichy Corporation , and in such circumstances the Trichy Corporation by the proceedings in Na.Ka.No.3911/2020/F1(Sri) dated 09.09.2020 rejected the building permission and planning permission as requested by the 6th respondent and communicated the same to the 6th respondent on 23.09.2020, further as per law the building permission and planning permission must be submitted by the owner of the land (i.e) the Joint Commissioner of Srirangam Aranganathar Temple, HR&CE Trichy, in respect of the Survey No. 2470 , ward B , block 38, Thimmarayasamudhiram Village , Amma Mandapam, Srirangam , Trichy and the 6th respondent is only a rental agreement holder, hence cannot entitled to submit the building permission and planning permission as per law.

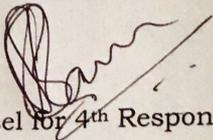
14. The 4th respondent submit that in continuance of the earlier proceedings in Na.Ka.No.F1/3705/2020 dated 27.08.2020, final order in the proceedings in Na.Ka.No.F1/3705/2020 dated 14.09.2020, directing the Joint Commissioner of Srirangam Aranganathar Temple, HR&CE Trichy and bank manager Indian oil Corporation, owner of the land in Survey No. 2470 , ward B , block 38, Thimmarayasamudhiram Village, Amma Mandapam, Srirangam, Trichy and the rental agreement holder respectively to remove the unauthorized construction within 7 days , failing which appropriate criminal prosecution initiated under the provisions the Coimbatore City Municipal City Corporation Act 1981, which is applicable to Trichy City Municipal Corporation Act 1994, as per Section 8.

15. The 4th respondent submit that in the meantime the applicant filed the present application before this Hon'ble tribunal


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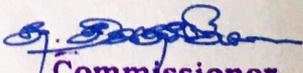
on 16.09.2020, further in continuance of the final Order in the proceedings in Na.Ka.No.F1/3705/2020 dated 14.09.2020, necessary charge sheet was filed before the Competent Judicial Magistrate Srirangam Trichy on 25.09.2020 under Section 447 of Coimbatore City Municipal City Corporation Act 1981, which is applicable to Trichy City Municipal Corporation Act 1994, as per Section 8, and the same was pending before the Judicial Magistrate Srirangam Trichy.

It is therefore prayed that this Hon'ble Forum maybe please to dismiss the application as against the 4th respondent and thus render justice.


Counsel for 4th Respondent

Verification

I, the 4th respondent do hereby declare that the facts stated above are all true and correct to the best of my knowledge, belief and information and I signed this at Chennai on this the 12 day of October, 2020.


Commissioner
Tiruchappuram Corporation

**BEFORE THE NATIONAL
GREEN TRIBUNAL SITTING
AT CHENNAI.**

Application No. 176 of 2020

**COUNTER STATEMENT OF
4th RESPONDENT**

**M/S. S.SAJI BINO
MS. No.2051/2001**

**STANDING COUNSEL FOR TRICHY CORPORATION
COUNSEL FOR RESPONDENT No.4
9443555752
sajibinoadv@gmail.com**