

another residence within 30 m. Two other residences are there within 50 m. Transformer and tower are located at 10 m from the outlet.

5. Retail fuel outlets are not required to obtain consent of the Board as per the Judgment in CA NO.421/2022 dated 14.03.2023 of the Hon'ble Supreme Court of India. A petition dated 03.11.2023 was received by the Board from the petitioner against the said outlet, a true copy of which is produced herewith and marked as **Annexure R-1 (iv)**. Based on the petition, inspection was conducted by the Board Officials on 17.11.2023. Based on the inspection a reply was issued to the petitioner, a true copy of which, along with its English translation is produced herewith and marked as **Annexure R-1 (v)**. The petitioner later withdrew the petition.

6. It is respectfully submitted that the petitioner approached this office and informed that he has no complaints at present and that he is going to withdraw the present O.A. He also informed that he is going to sell his house to the project proponent to use it as a store by the project proponent. A true copy of the letter submitted by the petitioner is produced herewith and marked as **Annexure R-1 (vi)**

7. As per the orders of the Hon'ble Supreme Court, it is for the Board to ensure that the CPCB directions are complied with. As per the CPCB norms, petrol pumps shall not be located within a radial distance of 50m (from fill point/dispensing unit/vent pipe, whichever is nearer from schools/hospitals and residential areas as designated as per local laws and in no case it shall be less than 30m. Hence, distance becomes relevant only if the area is classified as "residential zone" by the designating authority which is the Town Planning Department. Hence, letter was issued to the Town Planning Department as to whether the said site falls under residential zone. The Town Planner, Kottayam, vide letter dated 08.04.2024, informed that the Re Sy. Number 15 of Re. Survey Block No. 176 belonging to Veloor village of Kottayam Municipality, in which the retail outlet is situated, is included in Town Planning Scheme Kottayam Master Plan approved vide Order No. 80/2020/LSGD dated 14/05/2020. A copy of the letter from Town Planner dated 08.04.2024 with its English translation is produced herewith and marked as **Annexure R-1 (vii)**. It falls under Low Density Residential Zone. But it is also reported that the site comes under Clause 33.2.25 of the Zoning Regulations wherein for proposed or existing roads with width more than 8 m it is permitted to have constructions allowable in Mixed Zone-II on plots within fifty meters depth from the center of the road, adhering to the regulations for




ALEXANDER GEORGE
 Senior Environmental Engineer

Residential, Commercial, Dry agricultural zone and Public & semi-public Zones. In this case there is a proposal to widen the Thiruvathikal-Illikal road which is located in front of the above said plot by 18 meters.

8. In the zoning regulations of the Master Plan, it is also informed that in low density residential zone, low and high zones, commercial zone and public and semi public zone belonging to mixed zone II, fuel filling stations are permissible with the concurrence of the Chief Town Planner. It is also informed by the Town Planner in the letter that approval has been given to the lay out, as per the Kerala Municipal Building Rules, for the construction of Fuel Filling Station (Group 1 Hazardous Occupancy) in the above said survey number.

9. It is humbly submitted that Town Planning Department has permitted the petroleum retail outlet in the said site as it falls under low density residential zone with privilege of mixed zone-II due to the nearness of the road.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 12th day of April, 2024.



Senior Environmental Engineer
Kerala State Pollution Control Board
District Office, Kottayam.

Standing Counsel for K.S.P.C.B.



☎: General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
 e-mail: cm.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in



KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



KSPCB/891/2023-SEE-1

Date:11/03/2024

AUTHORISATION

Sub: OA. No.46/2024 filed by Sri. Tharish Rahman before the Hon'ble NGT (SZ)

The Senior Environmental Engineer, District Office, Kottayam is hereby authorized to represent the Member Secretary on behalf of the Board in the above O.A.

For and on behalf of the
KERALA STATE POLLUTION CONTROL BOARD

Shelmas

MEMBER SECRETARY

To

The Senior Environmental Engineer
 District Office
 Kottayam

Copy to:

1. Adv. Rema Smrithi V.K.
 No.2, Temple Glade Apartments
 Kalakshetra Colony
 Beach Road
 Besant Nagar
 Chennai – 600090

2. The Senior Environmental Engineer
 Legal Cell, Regional Office
 Ernakulam

As

ALEXANDER GEORGE
 Senior Environmental Engineer





भारत सरकार

Government of India

वाणिज्य और उद्योग मंत्रालय

Ministry of Commerce & Industry

पेट्रोलियम तथा विस्फोटक सुरक्षा संगठन (पैसो)

Petroleum & Explosives Safety Organisation (PESO)

A और D - विंग, ब्लॉक 1-8, दूसरा तल, शास्त्री भवन, 26 हड्डोउस रोड, नुंगम्बक्कम
चेन्नै- 600006

A & D - Wing, Block 1-8, IInd Floor, Shastri Bhavan, 26 Haddous Road, Nungambakkam,
Chennai - 600006

E-mail : jtccechennai@explosives.gov.in

Phone/Fax No : 044 -
28287118,28281023,28281041,28287119/28284848

पुर्व अनुमोदन संख्या /Prior Approval No : A/P/SC/KL/14/4366
(P507264)

दिनांक /Dated : 15/06/2021

सेवा में
/To,

M/s. Hindustan Petroleum Corporation Limited,
HPCL COCHIN RETAIL RO.,
TATAPURAM ERNAKULAM NORTH PO, KOCHI
ERNAKULAM,
Kochi,
Taluka: Kanayannur,
District: ERNAKULAM
State: Kerala
PIN: 682018

विषय **Survey No, 15, ILLICKAL-THIRUVATHIKKAL KOTTAYAM, VELOOR, KOTTAYAM, Taluka: KOTTAYAM,**
/Sub : **District: THIRUVANANTHAPURAM, State: Kerala, PIN: 686003** में प्रस्तावित पेट्रोलियम वर्ग A,B Retail Outlet ।
Proposed Petroleum Class A,B Retail Outlet at **Survey No, 15, ILLICKAL-THIRUVATHIKKAL KOTTAYAM,**
VELOOR, KOTTAYAM, Taluka: KOTTAYAM, District: THIRUVANANTHAPURAM, State: Kerala, PIN:
686003

महोदय
/Sir(s),

कृपया आपके उपर्युक्त विषय से संबंधित पत्र संख्या **OIN793429** दिनांक **07/06/2021** का संदर्भ ग्रहण करें ।
Please refer to your letter No. **OIN793429** dated **07/06/2021** on the subject.

संदर्भित पत्र के साथ अग्रेषित उपर्युक्तन अधिष्ठापन का साइट (स्थल)/ले-आउट, आदि दर्शाता Drawing(s) nos. **HPC-RTA-916** dated **27/05/2021**, **HPC-RTA-916** dated **27/05/2021** को अनुमोदित किया जाता है तथा प्रत्येक आरेखण की एक प्रति विधिवत पृष्ठांकित कर लौटाई जा रही है ।

The Drawing(s) nos. **HPC-RTA-916** dated **27/05/2021**, **HPC-RTA-916** dated **27/05/2021** , showing the site/layout/construction details forwarded with your letter under reference is approved and a copy(of each) of the same is returned herewith duly signed in token of approval.

अनुमोदित प्लान के अनुसार निर्माण होने के पश्चात पेट्रोलियम नियम 2002 के अंतर्गत प्ररूप XIV में अनुज्ञप्ति जारी करने हेतु, कृपया निम्नलिखित दस्तावेज इस कार्यालय को प्रेषित करें ।

On completion of the construction as shown in the approved plan please forward the following documents for grant of licence in Form XIV of the Petroleum Rules, 2002.

1. प्ररूप IX (संलग्न) में विधिवत भरा हुआ एवं हस्ताक्षरित आवेदन ।
Form IX (enclosed) duly filled in and signed.
2. पेट्रोलियम नियम 2002 के तहत ऑनलाइन आवेदन पोर्टल पर उपलब्ध ई-भुगतान सुविधा के माध्यम से **10000/-** (प्रति वर्ष- अधिकतम 10 वर्ष तक) का लाइसेंस शुल्क ऑनलाइन जमा किया जाना है ।
A license fee of Rs. **10000/-** (per year - maximum upto 10 years) to be submitted online through e-payment facility available on online application portal under petroleum Rules, 2002.

3. अनुमोदित आरेखण की तीन प्रतियाँ ।
Three copies of the approved drawings.
4. मुख्य विस्फोटक नियंत्रक, नागपुर द्वारा अनुमोदित सक्षम व्यक्ति द्वारा जारी पेट्रोलियम नियम 2002 (संलग्न) के अंतर्गत नियम 130 और 126 में आवश्यक सेफ्टी और टैंक टेस्ट प्रमाण-पत्र जो कि संगठन की वेबसाइट <http://peso.gov.in> पर "सक्षम व्यक्ति" ऑनलाइन मॉड्यूल के माध्यम से बनाया गया हो ।
Safety and Test Certificate as required under rule 130 and 126 of the Petroleum Rules, 2002 (enclosed) issued by Competent person approved by CCE, Nagpur and generated through On-line Competent Person Module available at <http://Peso.gov.in>
5. जिला प्राधिकारी से प्राप्त 'अनापत्ति प्रमाण-पत्र' की मूल प्रति तथा उनके द्वारा विधिवत हस्ताक्षरित एवं कार्यालय की मोहर लगा हुआ साईट प्लान ।
Original copy of 'No Objection Certificate' from the District Authority together with site plan duly endorsed by him with his office seal thereon.
6. इस कार्यालय से होनेवाले पत्राचार पर हस्ताक्षर करने के लिए अधिकृत व्यक्ति(यों) के नमूना हस्ताक्षर ।
Specimen signature(s) of the person(s) authorised to sign the correspondence addressed to this office.
7. अनुमोदित प्लान के अनुसार कार्य के पूर्णता की पुष्टि ।
A confirmation to the effect that all work as per approved drawings has been fully completed by you in all respects.
8. विभिन्न कोणों से लिए गए पेट्रोल पम्प के रंगीन फोटोग्राफ का एक सेट ।
One set of colour photographs of the petrol pump taken from different angles.

जी.एस.आर. 519(ई) दिनांक 05/06/2000 द्वारा भारत सरकार, पेट्रोलियम तथा प्राकृतिक गैस मंत्रालय द्वारा अधिसूचित आदेश 2000 के 'सॉल्वेन्ट, रेफिनेट तथा स्लॉप (अधिग्रहण, बिक्री, भंडारण और ऑटोमोबाइल में उपयोग की रोकथाम) आवश्यकता/प्रावधान का कृपया पालन करें ।

Please follow the requirement/provision of "Solvent, Raffinate and Slop (Acquisition, Sale, Storage & Prevention of use in Automobiles)" Order 2000 notified by Government of India, Ministry of Petroleum and Natural Gas vide G.S.R. 519(E) dated 05/06/2000.

कृपया भविष्य में अपने सभी पत्राचार में इस कार्यालय की फ़ाइल संख्या **A/P/SC/KL/14/4366 (P507264)** का संदर्भ दें ।
Please quote this office file No. **A/P/SC/KL/14/4366 (P507264)** in all your future correspondences.

फिर भी, यह अनुमोदन/अनुमति अन्य प्राधिकारियों से आवश्यक अनुमति/क्लीयरन्स प्राप्त करने से या यथा लागू अन्य विधियों से छूट नहीं देती है ।

This approval/permission, however, does not absolve from obtaining necessary permission/clearance from other authorities or under other statutes as applicable.

भवदीय /Yours faithfully,

((मनोज एन नंदनवार)
(Manoj N Nandanwar)
उप विस्फोटक नियंत्रक
Dy. Controller of Explosives
कृते संयुक्त मुख्य विस्फोटक नियंत्रक
For Jt. Chief Controller of Explosives
चेन्नै/Chennai

(अधिक जानकारी जैसे आवेदन की स्थिति, शुल्क तथा अन्य विवरण के लिए हमारी वेबसाइट : <http://peso.gov.in> देखें)
(For more information regarding status, fees and other details please visit our website: <http://peso.gov.in>)
Note:-This is system generated document does not require signature.

Disclaimer : This page gives the latest action taken by this organization on your application. This page is made available for the information of concerned applicant/licensee only. All efforts have been made to secure this information. However, PESO will not be responsible for any misuse of the information by unauthorized persons including the hackers.

No Objection Certificate
[See rule 144]

Collectorate, Kottayam
Dated:15/05/2021

Sub:- No Objection Certificate - issued - reg

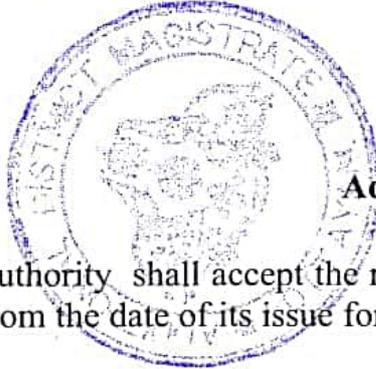
- Ref:-1.Application No. CRO-AT-E&P dated 28/02/2019 of the Chief Regional Manager - Retail, Hindustan Petroleum Corporation limited.
- 2.Certificate No.D1-1657/2019 dated 26/04/2021 of the Regional Fire Officer, Fire & Rescue Services, Kottayam
- 3.Report No.PW7-6976/2019 dated 23/09/2019 of the Secretary, Kottayam Municipality
- 4.Report No.AB.2(1) -1191/2019 dated 18/09/2019 of the Executive Engineer, PWD(Roads Division), Kottayam
- 5.Report No.B2-8120/2019 dated 17/09/2019 of the Tahsildar, Kottayam
- 6.Report No.D1-22333/2019/K dated 06/06/2019 of the District Police Chief, Kottayam
- 7.This office Proceedings No.DCKTM/2261/2019/H3 dated 10/05/2021
- 8.Writ Petition No. 25329/2020 dated 09/03/2021 of the Hon'ble High Court of Kerala

With reference to the application No.CRO-AT-E&P dated 28/02/2019 submitted by the Chief Regional Manager - Retail, Hindustan Petroleum Corporation limited, Ernakulam and in pursuance of Rule 144 of the Petroleum Rules 2002, there is "**No Objection**" for granting licence under Petroleum Rule 2002 to M/s.Chief Regional Manager - Retail,Hindustan Petroleum Corporation limited, Ernakulam for storage of petroleum products in their premises at Block No.176, Re-Survey No.15 of Veloor Village, Kottayam Taluk, Kottayam District, Kerala State as shown in the site plan duly endorsed herewith.

(1)The following particulars have been considered while issuing this no objection certificate, that

- (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 the public, specially the facilities like schools, hospitals or proximity to places of public assembly and mitigating measures, if any, is provided;
- (c). traffic density and impact on traffic;
- (d). conformity of proposal to the local area development planning;
- (e). accessibility of the site to fire tenders in case of emergency and preparedness of fire services for combating the emergencies;
- (f). genuineness of purpose.
- (g). Any other matter pertinent to public safety;

Signature of the district authority issuing no objection certificate with his office seal(in towns having a Commissioner of Police, the Commissioner or a Deputy Commissioner of Police and for any other place the District Magistrate)



Additional District Magistrate

Note:-The Licensing authority shall accept the no objection certificate within a period of three years from the date of its issue for considering grant of licence.

To,

The Chief Regional Manager, Hindustan Petroleum Corporation Limited,
P B No. 1601, Ernakulam North P O, Ernakulam - 682018

Copy to

- 1.The Joint Controller of Explosive,Kochi
- 2.The District Police Chief, Kottayam
- 3.Tahsildar, Kottayam
- 4.The Regional Fire Officer, Fire & Rescue Services, Kottayam
- 5.The Secretary, Kottayam Municipality
- 6.The Executive Engineer, PWD(Roads Division), Kottayam
- 7.Sri. Suresh Kumar, Araumpattamakkiyil, House, Vayala, Kottayam

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE N. NAGARESH

TUESDAY, THE 09TH DAY OF MARCH 2021/18TH PHALGUNA, 1942

WP (C) .No. 25329 OF 2020 (M)

PETITIONER:

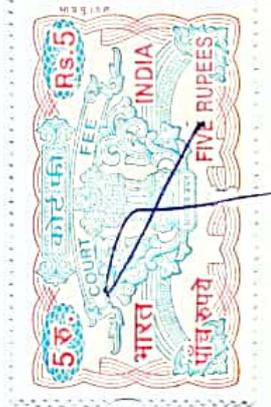
SURESH KUMAR, AGED 53 YEARS,
S/O. DHARMAJAN, ARAMPATTUMAKYIL,
VAYALA, ELACKAD, KOTTAYAM

BY ADVS.
SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENTS:

- 1 THE DISTRICT COLLECTOR,
KOTTAYAM DIST, COLLECTORATE,
KOTTAYAM 686 001.
- 2 ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, KOTTAYAM 686 001.
- 3 HINDUSTAN PETROLEUM CORPORATION LTD.,
REPRESENTED BY ITS CHIEF REGIONAL MANAGER,
COCHIN RETAIL REGIONAL OFFICE,
EERNAKULAM NORTH P.O, P.B NO. 1601,
COCHIN 682 018.
- ADDL. 4 REGIONAL FIRE OFFICER,
FIRE STATION, PADANOBADOM JUNCTION,
KOTTAYAM 686 001.
- ADDL. 5 THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
NEAR STAR JUNCTION, KOTTAYAM-686 001 .

(ADDITIONAL R4 AND R5 IMPEADED AS PER ORDER
DATED 26.11.2020 IN I.A.1/2020 IN WPC 25329/20)



W.P.(C) No.25329/2020

: 2 :

R3 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
R3 BY ADV. SRI.K.JOHN MATHAI
R3 BY ADV. SRI.JOSON MANAVALAN
R3 BY ADV. SRI.KURRYAN THOMAS
R3 BY ADV. SRI.PAULOSE C. ABRAHAM
R3 BY ADV. SRI.RAJA KANNAN
ADDL R5 BY SRI ARUNKUMAR A., SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09.03.2021, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C) No.25329/2020

: 3 :

J U D G M E N T

~~~~~

*Dated this the 9<sup>th</sup> day of March, 2021*

Petitioner is aggrieved by the order passed by the 1<sup>st</sup> respondent-District Collector, declining NOC to start a Petroleum Retail Outlet on the site in issue.

2. The petitioner states that he took on lease 25.94 Ares of property in Survey No.15 of Velloor Village in Kottayam District, to start a Dealership/Petroleum Retail Outlet of the 3<sup>rd</sup> respondent-Hindustan Petroleum Corporation Limited. The 3<sup>rd</sup> respondent offered the dealership to the petitioner. The 3<sup>rd</sup> respondent submitted Ext.P2 application dated 28.02.2019 to the 1<sup>st</sup> respondent-District Collector seeking NOC to the outlet. The 4<sup>th</sup> respondent sought reports from the District Police Chief, the Tahsildar, the District Fire Officer and the Executive Engineer, PWD (Roads).

3. The Executive Engineer, PWD reported that there are two road intersections near the site, which would be

W.P.(C) No.25329/2020

: 4 :

against the IRC norms. The petitioner challenged the said communication filing W.P.(C) No.21175/2019. This Court directed the District Collector to consider the application for NOC without referring to IRC/MORTH norms. The 1<sup>st</sup> respondent-District Collector, however, passed Ext.P9 order declining grant of NOC.

4. The petitioner would contend that there is no adverse impact due to the presence of mobile tower, KSEB transformer and welding workshop near the site. The only drawback is the 11 KV Electric line. The petitioner can very well shift the electric line paying the prescribed fee to the Electricity Board. The petitioner will be taking safety measures as directed by the Petroleum and Explosives Safety Organisation and the said Organisation will allow the outlet only on taking such safety measures. The 1<sup>st</sup> respondent ought not have disallowed the NOC for the said reason. Therefore, Ext.P9 is liable to be quashed and respondents 1 and 2 are liable to be directed to issue NOC to the petitioner under Rule 144 of the Petroleum Rules.

W.P.(C) No.25329/2020

: 5 :

5. The learned Government Pleader pointed out that while issuing NOC, the 1<sup>st</sup> respondent-District collector has to take into consideration various factors. The District Police Chief reported that the establishment of a fuel outlet on the site will be dangerous due to existence of mobile tower and transformer near the site. In fact, none of the authorities, from whom reports were called for, gave their concurrence to permit the petitioner to start Petroleum Retail Outlet at the site. Therefore, it would be perfectly just and legal for the 1<sup>st</sup> respondent to decline NOC. The 1<sup>st</sup> respondent has to take into consideration public safety also. The writ petition is therefore without any force or merit and is liable to be dismissed, contended the learned Government Pleader.

6. I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondents 1, 2, 4 and 5. I have also heard the learned Standing Counsel appearing for the 3<sup>rd</sup> respondent.

7. Ext.P9 order of the 1<sup>st</sup> respondent will show that the District Police Chief has reported that nearby residents and the

W.P.(C) No.25329/2020

: 6 :

public have no objection for the establishment of the Retail Outlet and there is no issue of any law and order problem. The District Police Chief, however, noted that there is a mobile tower and KSEB transformer near the site and therefore there is a risk of fire. The Tahsildar reported that apart from the mobile tower and transformer, there is a workshop also near the proposed site. Out of the 30 residents, none except two has any objection in starting the fuel outlet there.

8. Ext.P9 would further disclose that the Municipal Council has issued NOC for construction of Petroleum Retail Outlet in accordance with the Kerala Municipal Building Rules. The Executive Engineer, PWD informed that application for PWD NOC has been returned since there are road intersections near the site. The Regional Fire Officer reported that the mobile tower, transformer and houses are outside the site in question and there is no objection in granting NOC on fire safety angle.

9. In spite of these reports, the 1<sup>st</sup> respondent rejected the application for NOC filed under Rule 140 of the Petroleum

W.P.(C) No.25329/2020

: 7 :

Rules. A perusal of Ext.P9 would show that the 1<sup>st</sup> respondent has not properly analysed the reports received by him to arrive at his own conclusion.

10. When Rule 144 of the Petroleum Rules casts a statutory duty on the 1<sup>st</sup> respondent to consider applications for NOC to establish Petroleum Fuel Outlets, the 1<sup>st</sup> respondent is not expected to seek NOC from other officers for the purpose of issuing NOC under the Petroleum Rules. The 1<sup>st</sup> respondent may call for reports from various authorities, but the decision shall be of the 1<sup>st</sup> respondent and that too after properly appreciating the reports. In Ext.P9, such appreciation is absent.

11. The concern of the 1<sup>st</sup> respondent seems to be the threat of fire due to the existence of a mobile tower and a KSEB transformer near the site. The Regional Fire Officer has issued Ext.P8 pointing out that there is no objection as regards the site in the fire safety angle except for the 11 KV electric line passing through. Similarly, the issue of applicability of IRC norms was found by this Court in favour of the petitioner. In

W.P.(C) No.25329/2020

: 8 :

Ext.P9, the 1<sup>st</sup> respondent has not considered the impact of the judgment of this Court. The petitioner has expressed willingness to shift the 11 KV electric line paying the prescribed fee. This fact is also not properly considered by the 1<sup>st</sup> respondent.

12. Ext. P9 is hence bad for non-application of mind. Ext.P9 is therefore set aside. The 1<sup>st</sup> respondent is directed to reconsider the application for NOC submitted by the 3<sup>rd</sup> respondent on the basis of Government Orders existing as on the date of application. Orders in this regard shall be passed within a period of one month. It is made clear that nothing stated in this judgment shall be taken as pronouncement on merits, of the application for NOC submitted by the 3<sup>rd</sup> respondent.

Writ petition is disposed of as above.

Sd/-

**N. NAGARESH, JUDGE**

aks/10.03.2021

W.P.(C) No.25329/2020

: 9 :

APPENDIXPETITIONER'S EXHIBITS:

- EXHIBIT P1 COPY OF THE OFFER LETTER ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
- EXHIBIT P2 COPY OF THE APPLICATION FILED BY THE 3RD RESPONDENT FOR GETTING NOC TO THE OUTLET AWARDED TO THE PETITIONER
- EXHIBIT P3 COPY OF THE REPORT OF THE EXECUTIVE ENGINEER PWD DATED 06-07-2019
- EXHIBIT P4 COPY OF THE JUDGMENT IN W.A NO 1234/20
- EXHIBIT P5 COPY OF THE REPORT SUBMITTED BY THE TAHSILDAR DATED 17-09-2019
- EXHIBIT P6 COPY OF THE REPORT OF THE DISTRICT FIRE OFFICER DATED 13-05-2019
- EXHIBIT P7 COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT ON 1/11/2019
- EXHIBIT P8 COPY OF THE REPORT OF THE REGIONAL FIRE OFFICER DATED 3/1/2020 ALONG WITH REPORT
- EXHIBIT P9 COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DATED 13/10/2020

ncd





**HIGH COURT OF KERALA  
AT ERNAKULAM**

Year and Number of Suit or other Proceedings : WP(C) 25329 / 2020  
Name of Applicant/Advocate : R.SUNILKUMAR  
Application Number : A 10320/2021  
Application Date : 09-03-2021  
Date of Calling for Stamp : 12-03-2021  
Date of Production of Stamp : 12-03-2021  
Date When copy was Ready : 12-03-2021  
Date Notified for appearance to receive the copy : 20-03-2021  
Date when copy was delivered : 12.03.2021

  
Examiner

## Annexure R-1 (iv)

From,  
Tharish Rahman  
Maniparambil  
Veloor po  
8281934742

[Date: 3/11/2023]

To,  
Executive Engineer  
Pollution Control Board, Kottayam  
[Engineer's Office Address]  
Kottayam

**Subject:** Urgent Complaint - Illegal Petrol Bunk Construction and Environmental Hazards

Dear Sir/Madam,

I am writing to urgently highlight a pressing issue in Manikkunnam, Kottayam, involving an illegal petrol bunk construction. This construction lacks the necessary permits and compliance with environmental regulations, posing substantial risks to both the environment and the health of nearby residents, including my own.

The situation is particularly concerning as several houses with kitchens are situated near the petrol bunk. The presence of a massive generator, a welding workshop, and a mobile tower within the same compound adds to the hazards.

I urgently request your intervention to investigate this matter, cease further illegal activities, and enforce environmental and safety regulations. The well-being of our community is at stake, and prompt action is essential.

Thank you for your immediate attention to this matter.

Sincerely,

Tharish Rahman

8281934742



C 587/23  
03/11/23

AE

L  
2/14

ജില്ലാ ഓഫീസ്, കോട്ടയം

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്  
KERALA STATE POLLUTION CONTROL BOARD  
DISTRICT OFFICE, KOTTAYAM.

ശ്രീനിവാസ അയ്യർ റോഡ്, കോട്ടയം-686001

Sreenivasa Iyer Road, Kottayam-686001

E-mail: kspcbkottayam@gmail.com, http://keralapcbonline.com Telephone : 0481 - 2302445 web: www.keralapcb.nic.in  
ഓൺലൈനിൽ അപേക്ഷകൾ സമർപ്പിക്കുന്നതിന് [www.krocmms.nic.in](http://www.krocmms.nic.in) എന്ന വെബ്സൈറ്റ് ഉപയോഗിക്കുക.

“ഭരണഭാഷ - മാതൃഭാഷ”

PCB/KTM/ C587/2013

28.11.2023

പ്രേഷകൻ

സീനിയർ എൻവയോൺമെന്റ് എഞ്ചിനീയർ

Despatched on.....28/11/23

സ്വീകർത്താവ്

Mr. Tharish Rahman  
Maniparambil, Velloor P.O.  
8281934742

വിഷയം:- പെട്രോൾ പമ്പിനെതിരെയുള്ള പരാതി സംബന്ധിച്ച്.

സൂചന :- താങ്കൾ ടി കാര്യാലയത്തിൽ സമർപ്പിച്ച 03.11.2023 ലെ പരാതി.

സർ,

*o/c*

നിലവിൽ പെട്രോൾ പമ്പുകൾക്ക് മലിനീകരണ നിയന്ത്രണ ബോർഡിന്റെ കൺസന്റ് ആവശ്യമില്ല. എന്നാൽ CPCB ഗൈഡ്‌ലൈൻസ് സ്ഥാപനം പാലിക്കേണ്ടതുണ്ട്. 17.11.2023 ൽ പരാതിയിന്മേൽ പരിശോധന നടത്തിയിരുന്നു. സമീപത്ത് വീടുകൾ ഉള്ളതായി ബോധ്യപ്പെട്ടു. എന്നാൽ CPCB സർക്കുലർ പ്രകാരം residential buildings അല്ല, മറിച്ച് residential zone ആണ് പരാമർശിച്ചിട്ടുള്ളത്. മേൽ സ്ഥാപനത്തിന് 23.09.2023 ലെ കോട്ടയം മുൻസിപ്പാലിറ്റി സെക്രട്ടറിയുടെ കത്ത് പ്രകാരം മുൻസിപ്പൽ കൗൺസിൽ നിർമ്മാണ പ്രവർത്തനത്തിന് അനുമതി നൽകിയിട്ടുള്ളതായി ബോധ്യപ്പെട്ടിട്ടുള്ളതാണ്. ഇത് സംബന്ധിച്ച് WP(C) No.25329 of 2020 വിധിയും സ്ഥാപനത്തിന് അനുകൂലമായിട്ടുള്ളതും കളക്ടറേറ്റിലെ NOC യും നിലനിൽക്കുന്നതായും അറിയിക്കുന്നു.



വിശ്വസ്തതയോടെ,

*[Handwritten signature]*

സീനിയർ എൻവയോൺമെന്റ് എഞ്ചിനീയർ

## ജില്ലാ ഓഫീസ്, കോട്ടയം

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്



**KERALA STATE POLLUTION CONTROL BOARD**

**DISTRICT OFFICE, KOTTAYAM.**

ശ്രീനിവാസ അയ്യർ റോഡ്, കോട്ടയം-686001

Sreenivasa Iyer Road, Kottayam-686001

E-mail: [kspcbkottayam@gmail.com](mailto:kspcbkottayam@gmail.com), <http://keralapcbonline.com> Telephone : 0481 - 2302445 web: [www.keralapcb.nic.in](http://www.keralapcb.nic.in)

ഓൺലൈനിൽ അപേക്ഷകൾ സമർപ്പിക്കുന്നതിന് [www.krocmms.nic.in](http://www.krocmms.nic.in) എന്ന വെബ്സൈറ്റ് ഉപയോഗിക്കുക.

“ഭരണഭാഷ - മാതൃഭാഷ”

PCB/KTM/C587/2023

28.11.2023

From

Senior Environmental Engineer

To

Mr. Tharish Rahman  
Maniparambil, Velloor P.O.  
8281934742

Subject:- Regarding complaint against petrol pump.

Ref :- Complaint dated 03.11.2023 filed by you at this Office.

Sir,

Currently, petrol pumps are not required to obtain consent from the Pollution Control Board. However, they must adhere to the guidelines set by the CPCB. An inspection was carried out on 17.11.2023 following your complaint. There are residential buildings nearby the petroleum outlet. But according to the CPCB circular, residential buildings is not mentioned but residential zone. It has been duly confirmed that the Municipal Council has granted approval for the construction activities, as evidenced by the correspondence dated 23.09.2023 from the Kottayam Municipal Secretary. Furthermore, the institution is fortified by the verdict of WP(C) No.25329 of 2020, and the NOC issued by the Collectorate remains in force.

Yours Faithfully,

Sd/-

Senior Environmental Engineer

From:  
Tharish Rahman  
Maniparambil  
Veloor P.O.  
Kottayam

Place Kollayam  
Date: 11/04/24  
Place:

To:  
Senior Environmental Engineer  
Pollution Control Board Kottayam

Subject: Withdrawal of Case OA46/24 - Petrol Pump Issue in National Green Tribunal Chennai

Dear Sir

I, Tharish Rahman, residing at Maniparambil House, Veloor P.O., Kottayam 686003, am writing to inform you that I have officially withdrawn all cases related to the matter concerning the petrol pump located near Manikunnam Junction, near to my residence, including case number OA46/24, filed in the National Green Tribunal Chennai.

I am pleased to convey that the concerns raised in my initial complaint have been satisfactorily addressed. Specifically, the fuel filling machine at the mentioned petrol pump has been relocated to a safer distance from my house, effectively mitigating any potential environmental or safety hazards.

Furthermore, I would like to clarify that our house, situated at Maniparambil House, Veloor P.O., Kottayam 686003, has been provided for the purpose of storing battery water and non-explosive items as a godown of the above said petrol pump.

I wish to express my gratitude for your attention to this matter and the prompt resolution of the issues raised. Your efforts in ensuring the safety and well-being of the community are deeply appreciated.

Thank you once again for your attention to this matter.

Sincerely,

Tharish Rahman



“ഭരണഭാഷ-മാതൃഭാഷ”

LSGD/JD/KTM/2263/2024-H1

തദ്ദേശസ്വയംഭരണ വകുപ്പ് പ്ലാനിംഗ്  
ജില്ലാ നഗരാസൂത്രകന്റെ കാര്യാലയം  
4<sup>th</sup> ഫ്ലോർ, ജില്ലാ ആസൂത്രണ  
സമിതി സെക്രട്ടറിയേറ്റ്  
കളക്ട്രേറ്റ്.പി.ഒ, കോട്ടയം-686002  
ഫോൺ : 0481-2564160  
E-mail: tpktm.lsgdplng@kerala.gov.in  
തീയതി : 08-04-2024

നഗരാസൂത്രകൻ  
കോട്ടയം

സീനിയർ എൻവയോൺമെൻറൽ എഞ്ചിനീയർ  
KSPCB ജില്ലാ ഓഫീസ്  
കോട്ടയം

സർ,

വിഷയം :- തദ്ദേശസ്വയംഭരണ വകുപ്പ് പ്ലാനിംഗ് - ജില്ലാ നഗരാസൂത്രകന്റെ കാര്യാലയം, കോട്ടയം- കോട്ടയം നഗരസഭാ പരിധിയിലുള്ള വേളൂർ വില്ലേജ് റീ സർവ്വേ 15 ൽ ഉൾപ്പെട്ട സ്ഥലത്തിന്റെ സോണിംഗ്-സംബന്ധിച്ച്.

- സൂചന :- 1. അങ്ങയുടെ ഓഫീസിൽ നിന്നും 05.04.2024-ൽ ലഭിച്ച PCBDKT/190/2024-AE1 തീയതി 27/03/2024 നമ്പർ കത്ത് ഉള്ളടക്കമായുള്ള ഇ-മെയിൽ
- 2. ഈ കാര്യാലയത്തിലെ 05.08.2022-ലെ TCPKTM/292/2022-C നമ്പർ ഉത്തരവ്

സൂചനയിലേയ്ക്ക് ശ്രദ്ധ ക്ഷണിക്കുന്നു. മേൽ വിഷയം സംബന്ധിച്ച് കോട്ടയം നഗരസഭാ പരിധിയിലുള്ള, വേളൂർ വില്ലേജിൽ ഉൾപ്പെടുന്ന റീസർവ്വേ ബ്ലോക്ക് നമ്പർ 176-ലെ റീസർവ്വേ നമ്പർ 15 എന്നത് സ.ഉ.(കൈ.നം) 80/2020/തസ്വഭവ, 14.05.2020 തീയതിയിൽ അംഗീകൃതമായ കോട്ടയം മാസ്റ്റർ പ്ലാൻ എന്ന ടൗൺ പ്ലാനിങ്ങ് സ്കീമിൽ ഉൾപ്പെടുന്നു. ആയത് ലോ ഡെൻസിറ്റി റെസിഡൻഷ്യൽ സോൺ എന്ന മേഖലയിൽ ഉൾപ്പെടുന്നു. കൂടാതെ സർവ്വേ നമ്പറിന് മുൻപിലൂടെ കടന്ന് പോകുന്ന തിരുവാതിൽക്കൽ -ഇല്ലിക്കൽ റോഡിന് 18 മീറ്റർ വീതി കൂട്ടൽ നിർദ്ദേശവും ഉള്ളതാണ്.

മാസ്റ്റർ പ്ലാനിലെ അദ്ധ്യായം 33, മേഖലാ നിയന്ത്രണ ചട്ടങ്ങളിലെ ഖണ്ഡിക 33.2.25 പ്രകാരം നിർദ്ദിഷ്ടമോ നിലവിലുള്ളതോ ആയ റോഡ് വീതി എട്ടോ

അതിലധികമോ വരുന്ന റോഡുകളുടെ വശങ്ങളിൽ, റോഡിന്റെ മധ്യ ഭാഗത്തുനിന്ന് അമ്പത് മീറ്റർ ഡെപ്ലിനുള്ളിൽ വരുന്ന പ്ലോട്ടുകളിൽ റെസിഡൻഷ്യൽ, കൊമ്മേർഷ്യൽ, ഡ്രൈ അഗ്രികൾച്ചറൽ സോൺ, പബ്ലിക് ആൻഡ് സെമി പബ്ലിക് സോണുകളിലെ മേഖലാ നിയന്ത്രണ ചട്ടങ്ങൾ ഉൾക്കൊള്ളുന്ന മിക്സഡ് സോൺ-രണ്ട് പ്രകാരമുള്ള നിർമ്മാണങ്ങൾ അനുവദനീയമാണ്.

മാസ്റ്റർപ്ലാനിലെ അദ്ധ്യായം 33, മേഖലാ നിയന്ത്രണ ചട്ടങ്ങളിലെ ഖണ്ഡിക 33.2.26 പ്രകാരം നിർദ്ദിഷ്ടമോ നിലവിലുള്ളതോ ആയ റോഡ് വീതി പന്ത്രണ്ടോ അതിലധികമോ വരുന്ന റോഡുകളുടെ വശങ്ങളിൽ നൂറ് മീറ്റർ ഡെപ്ലിനുള്ളിൽ വരുന്ന പ്ലോട്ടുകളിൽ റെസിഡൻഷ്യൽ, കൊമ്മേർഷ്യൽ, ഡ്രൈ അഗ്രികൾച്ചറൽസോൺ, പബ്ലിക് ആൻഡ് സെമി പബ്ലിക് സോണുകളിലെ അനുവദനീയമായ ഉപയോഗങ്ങൾ തദ്ദേശ സ്വയം ഭരണ സ്ഥാപനങ്ങളിലെ സെക്രട്ടറിക്ക് അനുവദിക്കാവുന്നതാണ്.

മാസ്റ്റർപ്ലാനിന്റെ മേഖലാ നിയന്ത്രണ ചട്ടങ്ങളിൽ ലോ ഡെൻസിറ്റി റെസിഡൻഷ്യൽ സോൺ, മിക്സഡ് സോൺ-II ൽ ഉൾപ്പെടുന്ന ലോ ആൻഡ് ഹൈ സോണുകൾ, കൊമ്മേർഷ്യൽ സോൺ, പബ്ലിക് ആൻഡ് സെമി പബ്ലിക് സോൺ ഇവയിൽ ഫ്യൂവൽ ഫില്ലിംഗ് സ്റ്റേഷനുകൾ ചീഫ് ടൗൺ പ്ലാനറുടെ കൺകൺസോടെയാണ് അനുവദനീയമായിട്ടുള്ളത് എന്ന വിവരം അറിയിച്ചു കൊള്ളുന്നു. മേൽ സർവ്വേ നമ്പറിൽ ഉൾപ്പെട്ട സ്ഥലത്ത് ഫ്യൂവൽ ഫില്ലിംഗ് സ്റ്റേഷൻ (ഗ്രൂപ്പ്-1 ഹസാർഡസ് ക്വെപൻസി) നിർമ്മിക്കുന്നതിന് മുഖ്യ നഗരാസൂത്രകന്റെ കൺകൺസ്ട്രിക്ഷൻ ലഭ്യമാക്കി സൂചന (2) പ്രകാരം കെട്ടിട നിർമ്മാണ ചട്ടപ്രകാരമുള്ള ലേ ഔട്ട് അംഗീകാരം നൽകിയിട്ടുള്ളതാണെന്ന് അറിയിക്കുന്നു.

വിശ്വസ്തതയോടെ,

**Signed by Jinu Mole Vargeese**  
**Date: 08-04-2024 12:38:50**  
**Reason: Approved**

**JINU MOLE VARGESE**  
**TOWN PLANNER**

S08042024



Lr. No. LSGD/JD/KTM/2263/2024-H1

From  
The District Town Planner  
Kottayam

To  
Senior Environmental Engineer  
KSPCB DistrictOffice  
Kottayam

Sir,  
Subject: LSGD Planning – District Town Planning Office – Regarding the zoning of Re.Sy. Number 15of Veloor Village in Kottayam Municipality.

Reference :- 1) Letter number PCBDKT/190/2024-AE1 dated 27/03/2024 of

your office

2) Order No. TCPKTM/292/2022-C dated 05/08/2022 ofthis office

Please draw attention to the reference. Regarding the above subject, Re Sy. Number 15 of Re. Survey Block No. 176 belonging to Veloor village of Kottayam Municipality is included in Town Planning Scheme Kottayam Master Plan approved vide Order No. 80/2020/LSGD dated 14/05/2020. It falls under Low Density Residential Zone. Also, there is a proposal to widen the Thiruvathikal-Illikal road by 18 meters which is located in front of the above said plot.

In Chapter 33 of the Master Plan, as per Clause 33.2.25 of the Zoning Regulations , for Proposed or existing roads with width more than 8 m, it is permitted to have constructions on plots within or more than fifty meters depth from the center of the road on the sides of the roads, adhering to the regulations for Residential, Commercial, dry agricultural zone and Public & semi-public Zones / Mixed Zone-II

In Chapter 33 of the Master Plan, as per Clause 33.2.26 of the Zoning Regulations , For Proposed or existing roads with width more than 12 m, Secretary of corresponding Local Self Governing Body can give permit for having constructions on plots within hundred meters depth from the center of the road on the sides of the roads or more, adhering to the regulations for Residential, Commercial, dry agricultural zone and Public & semi-public Zones / Mixed Zone-II

In the zoning regulations of the master plan, it is informed that fuel filling stations are allowed in low density residential zone, low and high zones, commercial zone, public and semi public zone belonging to mixed zone II with the concurrence of the Chief Town Planner. It is hereby notified that as per reference (2), approval has been given to the lay out as per the Kerala Municipal Building Rules for the construction of Fuel Filling Station (Group 1 Hazardous Occupancy) in the above said survey number.

Faithfully  
Sd/-  
TOWN PLANNER