

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

**ORIGINAL APPLICATION NO. 10 OF 2026 (SZ)**

**IN THE MATTER OF:**

Ramchandran Nair,  
S/o. K.P.A. Nair, Amritham House,  
Thichur, Erimapetty P.O,  
Thrissur-680584, Kerala State and 4 Others.

**... Applicants**

*versus*

The Additional District Magistrate,  
Thrissur District, Thrissur Collectorate,  
Civil Line Road, Ayyanthole, Thrissur – 680003,  
Kerala State and 5 Others

**... Respondents**

**COUNTER AFFIDAVIT FILED BY THE 3<sup>RD</sup> RESPONDENT IN THE ABOVE  
ORIGINAL APPLICATION**

**HARISH VASUDEVAN**

**RAJAN VISHNURAJ**

Advocates

*Amicus Advocates*

II Floor, Chundanal Monarch, K.K Padmanabhan Road, Kochi-18

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Date: 13.05.2026

Place: Kochi



**HARISH VASUDEVAN**



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**COUNTER AFFIDAVIT FILED BY THE 3<sup>RD</sup> RESPONDENT IN THE ABOVE  
ORIGINAL APPLICATION**

I, Alfred M K , aged 55 years, S/o. Kuriyappan , residing at Erumapetty ,  
Thrissur Dt do hereby solemnly affirm and state as follows:

1. I am the Secretary of the 3<sup>rd</sup> respondent Panchayat. I know the facts of the case and I am duly authorised to swear this affidavit.
2. The above-mentioned Original Application has been filed before this Hon'ble Tribunal by the applicants interalia seeking to prohibit the 5<sup>th</sup> and 6<sup>th</sup> Respondents from erecting, commissioning, and operating a new Petroleum Retail Outlet at Survey No. 308/2, Thichur Village, Erumapetty



ALFRED M.K  
KEN 581838  
SECRETARY  
VARAVOOR GRAMPANCHAYATH  
THRISSUR DISTRICT  
68046047

Post, Talappilly Taluk, Thrissur District – 680584, Kerala State, pending disposal of the OA.

3. At the outset, the 3<sup>rd</sup> Respondent submits that the averments made in the Original Application, in so far as they relate to the 3<sup>rd</sup> Respondent are denied except those facts which are expressly admitted hereinbelow. The 3<sup>rd</sup> Respondent has at all times acted in accordance with the provisions of the Kerala Panchayat Raj Act, 1994, Kerala Panchayath Building Rules 2019 and all other applicable laws and statutory requirements.
4. It is submitted that the 3<sup>rd</sup> Respondent has granted a Site Approval and Building Permit bearing No. BP/135100/2025 dated 09.12.2025 under the Kerala Panchayat Building Rules, 2019, to the 6<sup>th</sup> Respondent for construction of buildings classified under Hazardous occupancy at Survey No's. 308-2-2, 308-2 and 308-2-1 of Thichur Village. True copy of the Site Approval and Building Permit bearing No. BP/135100/2025 dated 09.12.2025 issued by the 3<sup>rd</sup> respondent is produced herewith and may be marked as **ANNEXURE-R3(a)**. It is respectfully submitted that the said Building Permit is a statutory permission issued exclusively under the Kerala Panchayat Building Rules, 2019, governing the structural construction of buildings, and is entirely distinct in nature, scope and purpose from a No Objection Certificate required under the Petroleum Rules, 2002 or the CPCB Siting Criteria. The grant of a Building Permit by the Panchayat does not in any manner constitute an approval or authorisation for the establishment or operation of a Petroleum Retail Outlet, which requires separate and independent clearances from the 1<sup>st</sup> Respondent, the 2<sup>nd</sup> Respondent, and the 4<sup>th</sup> Respondent, none of which fall within the jurisdiction or competence of the 3<sup>rd</sup> Respondent

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Panchayat. The investigation report dated 18.11.2024 submitted by the Junior Health Inspector of Thichur to the Medical Officer In-Charge, Varavoor Primary Health Centre (Document No. 612/2024) as produced by the Applicants as Annexure 2 Additional Document had correctly reflected the position as it stood on that date, namely that no Panchayat permission for a petrol pump had been granted as of 18.11.2024.

5. It is submitted that Annexure-R3(a) was issued by the 3<sup>rd</sup> Respondent in lawful exercise of its statutory functions under the Kerala Panchayat Building Rules, 2019, upon an application by the 6<sup>th</sup> Respondent, after due scrutiny under Rules 6(17) and 9(4) of KPBR 2019, and without violation of any provision of law applicable to the 3<sup>rd</sup> Respondent. The 3<sup>rd</sup> Respondent, respectfully submits that it is fully bound by the jurisdiction of this Hon'ble Tribunal under the National Green Tribunal Act, 2010, and shall faithfully comply with any orders or directions that this Hon'ble Tribunal may pass in the present proceedings.
6. It is further submitted that, in response to an application under the Right to Information Act filed by the Applicant on 09.02.2026 seeking information in respect of Anganwadi No. 30, Thichur Village, the 3<sup>rd</sup> Respondent duly provided replies vide communication dated 02.03.2026 (No. 1242846-2026). It may be noted that the existence and location of Anganwadi No. 30 in Thichur Village is not in dispute. The RTI information provided by the 3<sup>rd</sup> Respondent on 02.03.2026 is accurate and given in good faith in compliance with the provisions of the Right to Information Act, 2005. However, the 3<sup>rd</sup> Respondent has no role in the issuance of the Annexure-12 No Objection Certificate dated 20.05.2025, which was issued by the 1<sup>st</sup> Respondent. The 3<sup>rd</sup> Respondent cannot be held responsible for



**ALFRED M.K**  
PIN 581838  
SECRETARY  
VARAVOOR GRAMA PANCHAYATH  
THRISSUR DISTRICT  
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the alleged failure of the 1<sup>st</sup> Respondent to take the proximity of the Anganwadi into account while issuing the said NOC.

7. The 3<sup>rd</sup> Respondent submits that the welfare, health, and safety of the inhabitants of its jurisdiction, including the children attending Anganwadi No. 30 and the residents drawing drinking water from nearby wells, are matters of utmost concern to the Panchayat. The 3<sup>rd</sup> Respondent is committed to ensuring that no activity within its jurisdiction endangers the health, safety, or environment of its residents, and will act in accordance with the directions, if any, issued by this Hon'ble Tribunal.
8. That the other averments in the Original Application concerning the CPCB Siting Criteria, distances from residential houses, wells, water bodies, and the conduct of the accompanied Respondents are matters within the knowledge of the respective parties and the 3<sup>rd</sup> Respondent does not admit or deny the same. The 3<sup>rd</sup> Respondent is not in a position to verify the measurements or distances referred to in the Application and respectfully leaves the same to the proof of the respective parties.
9. The averments raised by the applicants in the OA that the respondents are liable for compliance of Annexure A1 orders of the Principal Bench, NGT are not true. The respondent herein submits that neither the Panchayat nor the Secretary was a party to the proceedings in the said case or any of the cases mentioned by the applicants in the OA.
10. Hence, it is most humbly prayed that this Hon'ble Tribunal may be pleased to pass such orders as may be appropriate, keeping in view the welfare of the residents and children within the jurisdiction of the 3<sup>rd</sup> Respondent Panchayat.



**ALFRED.M.K**  
 PEN 581838  
 SECRETARY  
 VARAVOOR GRAMAPANCHAYATH  
 THRISSUR DISTRICT  
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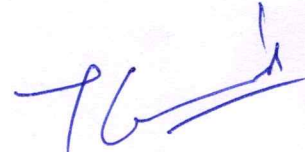
All the facts stated above have been explained to me and are true to the best of my knowledge and what is stated is based on information and belief derived from records and I believe the same to be true.

Dated this the 13<sup>th</sup> day of May, 2026.



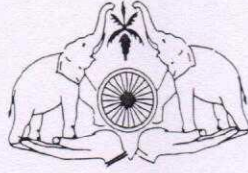
Solemnly affirmed and signed before me by the deponent whom I know on this the 13<sup>th</sup> day of May, 2026 at Ernakulam.

  
ALFRED.M.K  
PEN 581838  
DEPONENT  
VARAVOOR GRAMA PANCHAYATH  
ERNAKULAM DISTRICT  
9496046047



HARISH VASUDEVAN

COUNSEL FOR THE 3<sup>RD</sup> RESPONDENT



## Varavoor Grama Panchayat Thrissur

Kerala Panchayat Building Rules , 2019

Appendix B2

[See rule 6(17)&9(4)]

### Site Approval And Building Permit

File No. : 5742117-2025

Permit No : BP/135100/2025

Permit Date : 9 December, 2025



#### Building permit to construct

Block 1 (null) - New construction, Hazardous over all built up area = 20.0 m<sup>2</sup>  
 Block 2 (null) - New construction, Hazardous over all built up area = 7.56 m<sup>2</sup>  
 Block 3 (null) - New construction, Hazardous over all built up area = 221.0 m<sup>2</sup>  
**Overall built-up area = 248.56 m<sup>2</sup>**

From, Smt/Sri.

JOY A J  
 ANTHIKKAT HOUSE  
 NELLUVAI  
 680584  
 Mobile number: 9745461772

Site approval and permission is hereby granted for 1) New construction 2) New construction 3) New construction ,the details and conditions here under,

Revenue Ward	: Devichira
Election Ward	: Devichira
Survey/Resurvey-SubDivision Number	: 308-2-2,308-2,308-2-1
Village	: Thichur

Taluk	: Talappilly
District	: Thrissur
Extend Of Land	: 1235.0m <sup>2</sup>
Nearest Building No.	: 13/233

#### Subject to the conditions stated below

1. Adequate safety measures shall be ensured for protection against damage to health, life, buildings and property of the workers and inhabitants around, during and after building construction. The owner and the developer shall be solely responsible for any such damages.
2. Owner shall arrange all safety measures at site and inform this to office before starting work.
3. Adequate safety precaution shall be provided at all stage of construction for safe guarding the life of workers and public from any hazards.
4. The work shall be carried out strictly following the KMBR/KPBR provisions under the supervision of a qualified engineer as per the plans. The name and address of the engineer having supervision over the construction shall be informed in advance.



5. Arrangement should be there to dispose the solid and liquid waste from the proposed building inside the owners site itself and it should not be diverted to any public drain or public place. A drawing showing the treatment plant proposed shall be submitted in advance.
6. The owner shall be responsible for the structural stability and other safety of the building.
7. Ground Water recharge arrangements/Rain water harvesting tank/Solar heating and lighting shall be provided as per KMBR/KPBR.
8. No construction shall be made in road widening area.
9. No over hanging in open space shall be provided.
10. Sewage and solid waste disposal arrangements shall be made scientifically.
11. The Plan and Permit shall be exhibited in front of construction site itself for inspection purpose.
12. For the development, that happens and warrants tree to be cut, at least same number of trees shall be planted, maintained and brought up with in the plot in the immediate vicinity of the development.
13. Pipe composting /biogas plants/vermi composting etc.. anyone of these should be provided with appropriate technique at the time of completion of the building, for processing organic waste at source itself.
14. Every permit holder for the construction of a building, and for the demolition of an existing building or concrete structure shall be responsible for safe disposal of waste generated during the process of such construction and demolition in accordance with the Construction and Demolition Waste Management Rules, 2016.
15. Adequate safety measures shall be ensured for protection against damage to health, life, buildings and property of the workers and inhabitants around, during and after building construction. The owner and the developer shall be solely responsible for any such damages.
16. Fire fighting equipment should be installed conforming to the fire and safety norms specified in part 4 of Fire and Life Safety of National Building Code of India 2016 and subsequent amendments.

#### Proposed Construction Details

Block 1 (null)					
Floor Description	Level	Occupancy	Builtup Area (m <sup>2</sup> )	Floor Area (m <sup>2</sup> )	Area provided for parking inside the
Ground Floor	0	Hazardous	20.0	20.0	0.0
Block 2 (null)					
Floor Description	Level	Occupancy	Builtup Area (m <sup>2</sup> )	Floor Area (m <sup>2</sup> )	Area provided for parking inside the
Ground Floor	0	Hazardous	7.56	7.56	0.0
Block 3 (null)					
Floor Description	Level	Occupancy	Builtup Area (m <sup>2</sup> )	Floor Area (m <sup>2</sup> )	Area provided for parking inside the
Ground Floor	0	Hazardous	221.0	0.0	0.0

Total Proposed Builtup Area(m<sup>2</sup>) : 248.56, Total Proposed Floor Area(m<sup>2</sup>) : 27.56

#### Existing Construction Details

8



Permit Number : BP/135100/2025



Regularised Construction Details

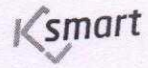
Completed Construction Details

Permit fee details is as follows,

Fee Description	Amount (Rs)
Application Fees	500
Permit Fees	13536
<b>Total</b>	<b>14036</b>



Permit Number : BP/135100/2025



**Validity: This certificate is valid up to 08-12-2030 Only.**

**Note:**

1. A development permit or a building permit issued under these rules shall be valid for five years from the date of issue and may be extended for a further period of five years.
2. extension or renewal
3. The fee for the extension of period of permits shall be ten percent of the building permit fee and the fee for renewal of the period of permit shall be fifty percent of the development permit fee, in force at the time of renewal.
4. The development work or construction work shall be commenced and completed within the valid period of the permit.



Licensee: Sharuk T Kabeer(ENGINEER-A-REGULAR-LICENSE)

Field Verifier:

Verifier:

Approved By: Name: Alfred m k, Designation: Secretary, Local Self Government Institutions

Approved On:09-12-2025 15:42:17

Date: 09-12-2025  
Place: VaravoorDocument certified by Alfred M K  
<alfredmuringathery@gmail.com>Digitally signed by Alfred M K  
Date: 2026.01.19 12:17:07 IST  
Reason: Building permit