

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

**O.A. NO. 7 OF 2026 (SZ)**

Nazar

... Applicant

Vs.

The District Collector,  
Thiruvananthapuram  
& Others

... Respondents

**COMPILATION I**

<b>SL. NO.</b>	<b>DATE</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE NO.</b>
<b>1</b>	<b>-</b>	Relevant Dates	<b>R1</b>	<b>1</b>
<b>2</b>	<b>23.01.2026</b>	Order passed by the Learned Sub-Judge, Nedumangad	<b>R2</b>	<b>5</b>
<b>3</b>	<b>04.02.2026</b>	Affidavit of Mr Nazar, executed before a Notary Public	<b>R3</b>	<b>29</b>
<b>4</b>	<b>10.02.2026</b>	Affidavit of Mr. Nazar filed in support of W.P. (C) No. 5779 of 2026 before the Hon'ble Kerala High Court	<b>R4</b>	<b>32</b>

**Dated at Chennai on this the 17<sup>th</sup> day of January 2026**

  
**M/s. AAV PARTNERS  
S. SARAVANAN  
E. KARTHIKEYAN  
K. NAROTHAM DOSS  
Counsel for 4<sup>th</sup> Respondents**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE, CHENNAI****O.A. NO. 7 OF 2026 (SZ)**

Nazar

... Applicant

Vs.

The District Collector,  
Thiruvananthapuram  
& Others

... Respondents

**RELEVANT DATES**

<b>Sl. No.</b>	<b>Date</b>	<b>Events</b>
1	<b>30.09.2022</b>	<p>Revenue Divisional Officer, Nedumangad, issued land-conversion orders pertaining to the parcels later re-surveyed as 145/37 and 145/38, designated for the BPCL outlet. The RDO orders confirms the following.</p> <ul style="list-style-type: none"><li>• Property is not in data bank,</li><li>• No water channels exist,</li><li>• No paddy fields are nearby,</li><li>• Land is not part of stream poramboke.</li></ul>
2	<b>02.06.2023</b>	<p>The Additional District Magistrate issued NOC No. DCTVM-3508/2020/A17 permitting establishment of a petroleum retail outlet at Re-Survey Nos. 145/37 &amp; 145/38. The ADM NOC confirms the following:</p> <ul style="list-style-type: none"><li>• lawful possession of the site,</li><li>• safety compliance,</li><li>• traffic viability,</li><li>• conformity with area development planning, and</li><li>• public-safety considerations.</li></ul>

3	05.11.2024	The District Town Planner issued an Order for construction of Retail outlet after technical scrutiny and joint inspection, only after verifying compliance with Kerala Panchayat Building Rules, including drainage, sanitation, fire safety, environmental norms, and PESO conditions.
4	26.11.2024	<p>Poovachal Grama Panchayat issued Building Permit for construction of the retail outlet structures.</p> <p>During the course of obtaining building permit, <b>few local residents complained</b> to Panchayat Secretary alleging encroachment of water streams, presence of residences near outlet etc.</p> <p>The Poovachal Panchayat Secretary considered all the local complaints raised by few local residents and found <b>objections baseless</b>, noting that all statutory clearances including NOC were already obtained and sanctioned building permit for construction of retail outlet.</p>
5	Dec 2024	<p>A written complaint was submitted by Shri Sherif B.A., alleging that landowners in Survey No. 142-2-3-1, Veeranakavu Village, had filled a government canal (thodu poramboke), constructed buildings on the filled portion, and were attempting to start a petrol pump without Panchayat permission.</p> <p>Upon examining the complaint, the District Collector sought a factual report from the Tahsildar and Panchayat Secretary.</p>
6	17.12.2024	The Panchayat Secretary submitted a detailed reply to the District Collector confirming the validity of all statutory

### 3

		approvals and stating that the site is not a designated residential area.
7	<b>03.02.2025</b>	A surveyor conducted a detailed site inspection and confirmed that Re-Survey Nos. 145/37 & 145/38 contain no canal, stream, or thodu.
8	<b>12.02.2025</b>	The Tahsildar submitted a report confirming the land is legally converted dry land and is not part of any thodu poramboke.
9	<b>March 2025</b>	One Mr. Sherif B.A. filed Appeal No. 116/2025 before the Tribunal for Local Self-Government Institutions (LSGD Tribunal)
10	<b>18.03.2025</b>	The LSGD Tribunal passed an interim order restraining construction only in thodu poramboke (RS 142/1 and 144/1). The order did not apply to the retail outlet site (Sy Nos 145/37 & 145/38).
11	<b>05.08.2025</b>	The District Collector issued a letter clarifying that the NOC is valid and that Road or Thodu poramboke are not included in the land where the pump is being established.
12	<b>19.08.2025</b>	The Panchayat Secretary issued a certificate (File No. SC2/5163/2024) confirming the area within 50 meters of the outlet is not a designated residential area and contains no water bodies.
13	<b>11.09.2025</b>	PESO granted initial approval (Drawing No. P482594).
14	<b>10.11.2025</b>	BPCL registered the land and commenced construction.
15	<b>23.01.2026</b>	The Learned Sub Court, Nedumangad (in O.S. No. 79/2025) dismissed the injunction petition filed by Mr. Sherif. The court held that no drain/thodu exists within the property and the objection regarding CPCB norms did not sustain.

# 4

14	<b>Jan 2026</b>	One Mr. Nazar approached this Hon'ble Tribunal raising the same allegations and filed O.A. No. 7 of 2026 (SZ)
15	<b>04.02.2026</b>	The said Mr.Nazar (Applicant herein) administered an Oath before the Notary Public and denied the filing of any O.A. before this Hon'ble Tribunal.
16	<b>10.02.2026</b>	Copy of Affidavit of Mr. Nazar filed in support of W.P. (C) No. 5779 of 2026 before the Hon'ble High Court of Kerala, raising the same allegations

Dated at Chennai on this the 17<sup>th</sup> day of February, 2026

  
COUNSEL FOR 4<sup>TH</sup> RESPONDENT

**Annexure - R2****IN THE COURT OF THE SUB JUDGE, NEDUMANGAD****Present : Smt. Rajasree. C.R, Civil Judge (Senior Division)****On Friday 23<sup>rd</sup> January 2026/ 3<sup>rd</sup> Magham 1947****I.A 1/2025 in O.S 79/2025****Petitioner/ Plaintiff**

Sherif. B.A, S/o. Basheer, Kaithakonam House,  
Kattakada, Veeranakavu Village, Kattakada Taluk,  
Thiruvananthapuram-695572.

**(By Adv. Sri.Arun. V.G, Adv. Sarath. A.S, Adv. Abhijith Jacob.  
R.J, Adv. Jaya Ragi, Adv. Devika. V.G, Adv. Rahul Krishnan. H.S)**

**Counter Petitioners/**

1. Shukoor, H/o Rajeena, Siddique Villa, Kollode.P.O.,  
Killi, Kattakkada Taluk, Thiruvananthapuram-  
695571.

**Defendants**

2 Rajeena, W/o. Shukoor, Siddique Villa, Kollode.  
P.O., Killi, Kattakada Taluk, Thiruvananthapuram-  
695571.

**(By Adv. Sri.N. Aravindakshan Nair, Adv. Nija.S.L, Adv. Sajeeb.M for D1,  
D2- No Vakalath filed)**

This petition having been finally heard on 21/01/2026 and the court on  
23/01/2026 passed the following:-

**ORDER**

This application is filed under Order No. XXXIX Rule 1 of the Code of Civil  
Procedure, 1908 seeking temporary injunction.

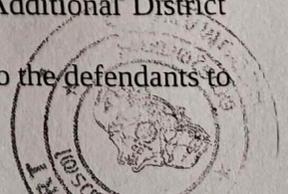




6

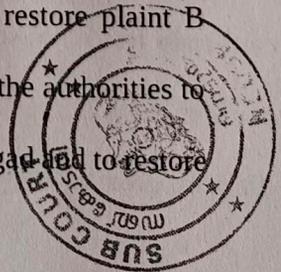
2

2. Petition averments, in brief, are stated as follows: The petitioner is a plaintiff in the suit. The defendants are man and wife. The plaint A schedule property belongs to the defendants. The petitioner is the neighbour of the defendants residing near the plaint A schedule property with his family. The plaint B schedule property is a natural drain, which is a thodu puramboke and garment land. The plaint A schedule property was earlier paddy/wetland. It was illegally reclaimed by the defendants after the commencement of Kerala Conservation of Paddy Land and Wetland Act, 2008. Until 2024, the plaint A schedule property was entered and classified in the revenue records as paddy land. The plaint A schedule property abuts the plaint B schedule thodu (drain). The defendants trespassed into the plaint B schedule, reclaimed the same and constructed a terrace building therein. The defendants are offenders liable to be punished under section 7 of the Kerala Land Conservancy Act, 1957. The defendants filed applications for conversion of plaint A schedule property from wetland to dry land in the basic tax register before the Revenue Divisional Officer, Nedumangad. The Revenue Divisional Officer, Nedumangad, as per the order dated 30.09.2022 permitted the conversion of plaint A schedule property from wetland to dry land on fulfillment of the conditions mentioned therein. The second condition in the order is that no natural drain shall be altered, prevented or changed by the defendants in the course of the conversion. The defendants had already converted plaint B schedule thodu puramboke into dry land by filling the same with ordinary earth. The defendants blatantly flouted condition No. 2 in the order of Revenue Divisional Officer. The Additional District Magistrate, Thiruvananthapuram granted No Objection Certificate to the defendants to



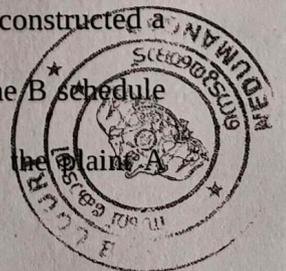
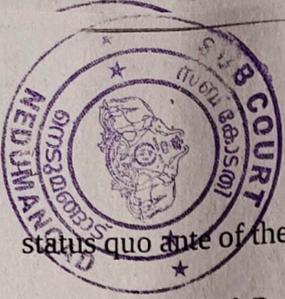
start a petrol pump in the plaint A schedule property. No Objection Certificate was granted on the basis of the conversion order passed by the Revenue Divisional Officer. A detailed complaint was filed by the petitioner before the District Collector, Thiruvananthapuram and District Joint Director( LSGD vigilance) regarding the aforesaid violation. The District Collector forwarded the said complaint to the Tahsildar Kattakada for enquiry and report. The Tahasildar Kattakada forwarded the same to the Village Officer, Veeranakavu for site inspection, enquiry and report.

3. The Village Officer, Veeranakavu had conducted site inspection and reported to the Tahsildar that the defendants' rankly trespassed into the plaint B schedule property, reclaimed the same and made illegal construction therein. On the basis of the said report of the Village Officer, the Tahsildar Kattakada forwarded the letter dated 12.09.2024 to the District Collector, Thiruvananthapuram informing that there is trespass by the defendants over the plaint B schedule drain. The Tahsildar Kattakada requested the District Collector, Thiruvananthapuram not to issue No Objection Certificate to start petrol pump in the plaint A schedule property. However, just prior to the receipt of the said letter by the District Collector, No Objection Certificate was issued by Additional District Magistrate to the defendants. So, a representation was made before the Principal Secretary, Revenue District Joint Director( LSGD Vigilance) and District Collector, Thiruvananthapuram, requesting the said authorities for recalling No Objection Certificate and to initiate urgent action to restore plaint B schedule drain in its original condition. Requests have been made to the authorities to cancel the order passed by the Revenue Divisional Officer, Nedumangalad to restore



status quo ante of the plaint B schedule. A detailed complaint in this regard was filed to the Secretary of Poovachal Grama Panchayath. The petitioner had also filed writ petition number 42306/2024 before the High Court of Kerala seeking a Writ of Mandamus directing the authorities to take up the complaints filed by him before them and to pass orders.

4. In the meantime, the District Collector, Thiruvananthapuram passed an order dated 02.12.2024 directing the Secretary, Poovachal Grama Panchayath not to issue building permit to the defendants if it is found that there was trespass over Government land. The Secretary, Poovachal Grama Panchayath was further directed to take urgent action to resume the Government land and to file a report before him in that regard. The Secretary of Poovachal Grama Panchayath had not taken steps till this date. The District Collector, as per the Letter dated 02.12.2025, directed the Tahsildar Kattakada to conduct an urgent enquiry through the Taluk surveyor to earmark and separate the plaint B schedule drain and to forward an urgent report before him in that regard. The authorities had not conducted survey as per the order of the District Collector. The authorities are hand in glove with the defendants and are liable to be punished under Section 7(c) of the Kerala Land Conservancy Act, 1957. The defendants made plaint A and B schedule property as a contiguous plot so as to construct a petrol pump therein. After obtaining the order from the Revenue Divisional Officer and no objection certificate from the Additional District Magistrate, defendants illegally constructed a partition wall, purporting to separate plaint A schedule property from the B schedule drain to give an impression that plaint B schedule is separated from the plaint A



schedule property. The fact is that the said wall is constructed in the middle of the plaintiff B schedule drain. A substantive portion of plaintiff B schedule lie contiguous with plaintiff A schedule property within the compound wall. In the mean time, District Joint Director LSGD had issued an order dated 05.11.2024 approving the layout plan for the proposed building site of the petrol pump as per Rule 30 of the Kerala Panchayath Building Rules, 2019

5. Petitioner had preferred an appeal 116/2025 before the Tribunal for Local Self-Government Institutions, Thiruvananthapuram challenging the said approved layout plan. As per the order dated 18.03.2025 in IA No. 1/25 in Appeal No. 116/25, the Tribunal for Local Self-Government Institutions ordered that no land development or construction shall be done by the defendants in plaintiff B schedule drain on the basis of the said impugned lay out approval. The said order is still in force and the appeal is pending consideration before the Tribunal. In the light of the stay order passed by the Hon'ble Tribunal for Local Self-Government Institutions and in the light of the order passed by the District Collector, building permit was not issued by Poovachal Grama Panchayath to the defendants for making constructions in the plaintiff A schedule property. In the meantime, on 16.05.2025 the defendants again started making constructions within plaintiff A and B schedule properties, in complete defiance of the order passed by the Tribunal for Local Self-Government Institutions and the District Collector Thiruvananthapuram. So this application is filed seeking temporary prohibitory injunction.

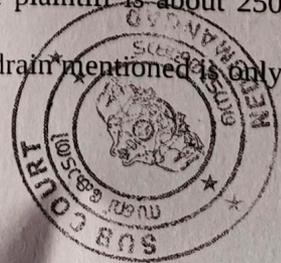




6. Advocate Sajeeb M. appeared for the first and the second respondents. The second respondent has not filed separate objection or counter affidavit in this matter.

7. The first respondent filed counter affidavit contending as follows: All the averments contained in the petition, except those which are expressly admitted are false. The petitioner has no locus standi to file the suit of such a nature. The petition is bad for violation of jurisdiction. The suit itself is barred by Section 10 of the Code of Civil Procedure, 1908. The petitioner has no right over the plaint schedule properties. The suit itself is no maintainable either in law or on facts. The petition is highly malicious and misleading. There is no cause of action for instituting the petition. The affairs of the defendants have not caused any injury or damages to the petitioner. Balance of convenience is more in favour of the defendants/respondents. Plaintiff could not produce the suit documents. The relief of injunction sought for is with respect to the property within the registered holding of the defendants. The intention of the plaintiff/petitioner is to cause obstruction to the construction of business of petroleum outlet, which has already been allotted by Bharat Petroleum Corporation Ltd. in the property of the defendants scheduled as a plaint A schedule property, in favour of Hari Kumar, observing all the legal procedures, after scrutinizing all the documents and verifying through the authorities concerned.

8. The plaintiff is the owner of the property near the plaint A schedule property, where a petrol pump is functioning. The petrol pump of the plaintiff is about 250 metres away from the plaint A schedule property. The natural drain mentioned is only



an imaginary one, which never existed. The newly allotted petrol outlet is proposed to be constructed within survey numbers 145/37 and 145/38 in Block No. 43 of Veeranakavu Village, for which all the approvals are obtained from the authorities concerned. The extent of the plaint schedule properties itself are not identifiable from its description in the plaint. The proposed site for the petrol pump is separately demarcated after re-survey is done by the revenue authorities. Material facts are tactfully suppressed in the pleadings. The suit is bad for non-joinder of necessary parties and for misjoinder of necessary parties. Hence injunction application is liable to be dismissed.

9. The plaint A schedule property consists of four survey numbers. Survey number 145/1 which consists of 6 ares and 13 square metres of paddy-land as per records, which is suppressed in the description of plaint A schedule property but is included within the compact boundaries. Survey number 145/37 that consists of 1 are and 17 square metres of converted garden land which is suppressed in the description of plaint A schedule property, but is included within the compact boundary. A total of 7 ares and 30 square metres of property that belongs to the second defendant in survey No. 142/2-19-1 and 1 are and 93 square metres of converted garden land in survey No. 145. A total of 8 ares and 51 square metres of land belongs to the first defendant. Altogether 15.81 ares of property are there within compact boundaries of the defendants. Out of which, in new re-survey No. 145/37 and 145/38, there exists 7.75 ares of land demarcated for the purpose of construction of the proposed petrol pump. So, the plaint A schedule property cannot be identified from the schedule description.

The plaintiff A schedule property belongs to the defendants and it lies within well defined boundaries as a compact single plot. The proposed site is demarcated after the new re-survey and a compound wall was constructed within the plaintiff A schedule property.

10. The plaintiff B schedule drain is imaginary. There is no natural water drain on the northern and eastern boundary of the plaintiff A schedule properties. There is a brook passing through the survey No. 145/6 which is not connected in any manner with survey Nos. 145/1, 145/2, 145/37, 145/38, in the plaintiff A schedule properties. The plaintiff B schedule drain is an imaginary one made by the plaintiff. As long as there is no brook nearby, it could not have any thodu puramboke. The copy of the FMB register for Block No. 43 in field No. 145 is also produced by the first defendant. On the immediate east of the so called plaintiff A schedule property is a pathway. There are residential compound walls on the north and south of the plaintiff A schedule property. Department of Revenue and Government is not in the party array. When the ancestors the defendants purchased the property, it was a garden land. A part of it was paddy field on record. The defendants lawfully converted into garden land. On 30.09.2022, the proposed site for the petrol pump has already been converted to garden land. No natural drain that existed during or prior to conversion was altered by the defendants. Neither the defendants nor the prior owners had seen any natural drain as claimed by the plaintiff. The property purchased by the defendants were garden lands and the defendants had done nothing more than effecting its physical conversion on record.

There is no drain or thodu puramboke as averred in the petition. The respondents have

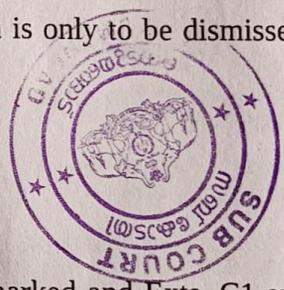


obtained no objection  
constructive

all defined

obtained no objection certificate and permission from all authorities concerned for the construction of petrol pump through proper channel.

11. There is no land owned by the Government or by the plaintiff in field No. 145 of Block No. 43. These respondents have never encroached upon any Government land or reclaimed any water drain. The intention of the petitioner is to prolong the matter. Even the petitioner has sought for adjournment before the Tribunal for Local Self-Government for hearing. No order is passed by the District Collector against the respondents herein. No affairs of the petitioner will not be affected. No hardship or injury will be caused to the petitioner. Thus, this application is only to be dismissed with compensatory costs.



12. Heard both parties in detail.

13. On the side of petitioner, Exts.A1 to A14 were marked and Exts. C1 and C1(a) were marked. On the side of the respondent, Exts.B1 to B8 (a) were marked.

14. Points that arose for consideration are:

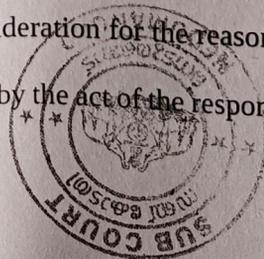
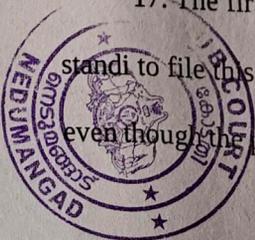
1. Did the petitioner show any prima facie case in his favour?
2. Is the balance of convenience in this case in favour of the petitioner?
3. Whether irreparable injury is likely to be caused more in favour of the petitioner than to the respondents?
4. Is the petitioner entitled to get an order for temporary injunction prayed for?
5. What is the order as to costs?



15. Point nos. 1 to 4. To avoid repetition and for brevity, these points are considered together. The specific case put forth by the petitioner is that the respondents have encroached upon plaintiff B schedule drain and reclaimed the property and now is intending to make a construction in portion of the B schedule for the purpose of construction of a petrol pump. On the contrary, the first respondent opposed the application stating that the plaintiff A schedule property as per the description cannot be identified and the first respondent has never encroached upon the plaintiff B schedule property.

16. The plaintiff A schedule is admittedly the property of the defendants/respondents. The plaintiff B schedule as per the plaintiff averments is a water drain which is narrated as thodu puramboke. The specific case put forth by the petitioner throughout the application is that the respondents for the purpose of constructing a petrol pump in the plaintiff A schedule property has approached the authorities concerned and get the property converted to a garden land and had encroached upon the plaintiff B schedule drain for the purpose of construction. It is also pointed out that a portion of the property has been demarcated by the respondents, so as to make an impression that the said portion is different from the plaintiff B schedule drain that abuts the plaintiff A schedule property.

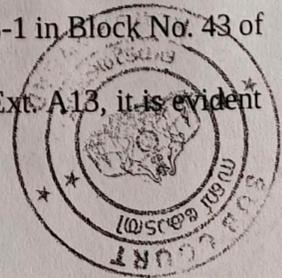
17. The first and foremost the objection raised is that the petitioner has no locus standi to file this application. This question needs no consideration for the reason that even though the petitioner is not a person who is aggrieved by the act of the respondent,



being a third party the petitioner can challenge the unlawful and illegal act of the respondents as is held in the case of **Joy Scaria v. Meenachal Grama Panchayat**, 2024(1) KHC 549.

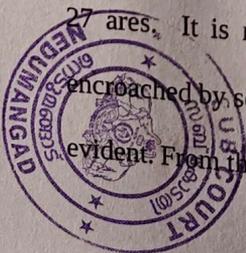
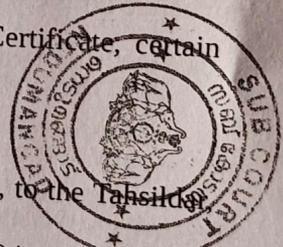
18. The learned counsel for the plaintiff/petitioner argued that the drain, scheduled as the plaintiff B schedule, is in re-survey no.142 which is on the immediate north eastern side of the plaintiff A schedule property. Ext. A1 is the survey plan with respect to field No. 145 in Block No. 43. As per Ext.A1, 145/1 and 145/2 is on the northern extremity of field no. 145 and on the immediate north and east of 145/1 and 145/2 lies 142. Ext. A2 is the copy of the re-survey plan with respect to field number 142 in Block No. 43. It discloses that 142 is on the immediate north eastern side of 145 and there are also sub-divisions 145/37 and 145/38 in 145/1. The existence of a drain is seen in the northern and eastern boundary of 145/1. Placing reliance on the re-survey plans it is argued by the learned counsel for the plaintiff that there is a drain on the immediate northern and eastern side of 145/ 1.

19. Ext. A3 produced by the plaintiff would go to show that 1.17 ares of property that belongs to the second defendant comprised in re-survey 145/1 in Block No. 43 of Veeranakavu Village was converted as garden land. Ext. A13 is the document that would show the conversion of wet land owned by the first defendant, measuring an extent of 2.83 ares, comprised in re-survey 145/2-1, 3.25 ares of property comprised in 145/2-2 and 0.51 ares of property comprised in re-survey 145/2-3-1 in Block No. 43 of Veeranakavu Village in Kattakada Taluk, to garden land. From Ext. A13, it is evident



that the first defendant herein had converted a total extent of 6.58 ares of property that falls in re-survey No. 145/2-1, 145/2-2 and 145/2-3-1 into garden land. The first defendant has admitted the fact that prior to obtaining No Objection Certificate for the purpose of a petrol outlet, the property that was possessed by the defendants were converted into garden land. According to the first defendant the properties were originally garden land and what he did was only the conversion of the same in the records to garden land and the same was done on 30.09.2022. The document produced as Ext.A4 and Ext.A3 are the same. Ext.A5 is a No-Objection Certificate issued under the Petroleum Rules, 2002 dated 02.06.2023 by the Additional District Magistrate. It discloses that No Objection Certificate was issued to the Territory Manager (retail) Bharat Petroleum Corporation Ltd. From Ext.A5, it is evident that the present re-survey number of the property with respect to which No Objection Certificate has been issued is re-survey 145/37 and 145/38 of Veeranakavu Village. It is also evident that the old survey numbers with respect to the said property is 145/1, 145/2-1, 145/2-2 and 145/2-3-1 of Veeranakavu Village. For the issuance of No Objection Certificate, certain particulars were considered and it is narrated in clause 1 of Ext.A5.

20. Ext.A6 is the report of the Village Officer, Veeranakavu, to the Tahsildar, Kattakkada. The said report is with respect to a drain in Block No. 43 in re-survey No. 142/1, measuring an extent of 8.60 ares and in re survey 144/1 measuring an extent of 27 ares. It is reported that the drain that flows through the said properties were encroached by several persons and the boundary of the drain, thodu puramboke, is not evident. From the report dated 17.08.2024 it is evident that it is necessary to restore the



drain that flows towards east. This report is given by the Village Officer based on the complaint made by the plaintiff herein and others regarding the construction of new petrol pump. From the report, it is evident that the drain is in re-survey 142/1 and 144 and presently the same is not in existence and it is not possible to identify its boundary.

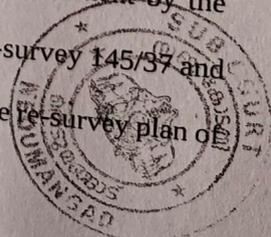
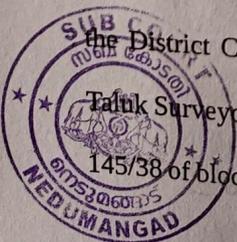
21. Based on Ext.A7 report of the Tahsildar to the District Collector dated 12.09.2024 it is evident that there is encroachment of the drain. However, when the District Collector had issued Ext.A8 letter to the Secretary Poovachal Grama Panchayath, it is reported that the petrol pump sought to be constructed is not within thodu puramboku. It is also stated in the report that If any building construction is made encroaching the thodu, action has to be taken and the thodu should be restored to its original position. The same report has been given by the District Collector to the Tahsildar on 02.12.2024. This is evident from Ext.A9. Ext. A10 series are photographs that reveals the constructions being made in the property. Ext.A11 is the proceedings of the town planner regarding the starting of petrol pump in the property of the defendants. The learned counsel for the plaintiff relied upon clause 6 in Ext.A11 which would show that every construction should be based on the guidelines of the Central as well as the State Pollution Control Board and it is argued that in this case it has not been complied with. The report of the town planner also contains the copy of the plan with respect to the proposed petrol pump.

22. Ext. A12 is the copy of the writ petition filed before the Hon'ble High Court of Kerala seeking a prayer for Mandamus. Ext.A13 is the order dated 18.03.2025 of the



Tribunal for Local Self-Government Institutions. It would go to show that there is an order of injunction restraining the respondents 4 to 6 therein, includes the defendants herein, to make any construction or development in the thodu puramboke comprised in re-survey 142/1 and 144/1 on the basis of the layout approval issued by the first respondent in respect of new re-survey no. 145/37 and 145/38.

23. Ext.B1 relied on by the first respondent is Ext.A13. Ext.B2 and Ext.A3 are one and the same. The first respondent has produced the order dated 26.11.2024 of the Secretary Poovachal Grama Panchayath with respect to the construction of the petrol pump in ward no.16 of the Poovachal Grama Panchayath that is, in the property measuring 7.75 ares comprised in re-survey no.145/37 and re-survey no.145/38 of Veeranakavu village. As per the order, the complaints preferred by the plaintiffs herein before the Secretary Grama Panchayath and before the Town Planner with respect to the construction of petrol pump was considered, which includes the contention that the defendants herein/respondents have encroached upon the drain. After considering all those matters the Secretary Poovachal Grama Panchayath reported that the objections raised by the plaintiff herein for the construction of petrol pump are baseless and moreover, No Objection Certificate has also been obtained for the construction of petrol pump in the aforesaid property. Ext.B6, which is the order of the Town Planner is already produced by the plaintiff as Ext.A11. Ext.B5 is the report of the Tahsildar to the District Collector, Thiruvananthapuram reporting that after measurement by the Taluk Surveyor it is seen that thodu puramboke is not included in re-survey 145/37 and 145/38 of block no.43 in Veeranakavu village. Ext.B7 produced is the re-survey plan of



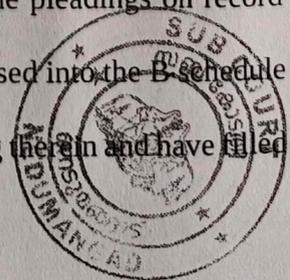
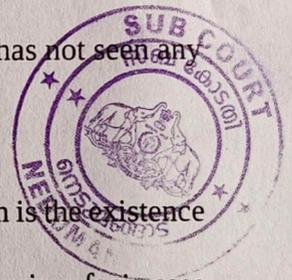
field no.145  
copy

REC'D

field no.145. Ext.B8 is the tax receipt and Ext.B8(a) is the order showing the conversion of property of the first respondent.

24. At this juncture, let me consider Ext.C1 report filed by the Advocate Commissioner who was deputed by this court to inspect the property. The commissioner has specifically reported that the plaint A schedule property lies on the eastern side of the public road and boundary having 6 feet height exists on the northern, southern and eastern sides of the plaint A schedule property. According to the commissioner a drain is there on the western side of plaint A schedule property. With regard to the plaint B schedule, Advocate Commissioner has reported that the property can only be identified with the help of a surveyor. The commissioner has not seen any drain in the plaint B schedule property.

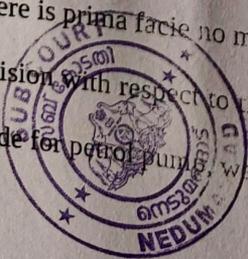
25. In an application of this nature, the question for consideration is the existence of three fold test. For granting an order of injunction, the existence of prima facie case alone is not sufficient. The petitioner should show that balance of convenience and irreparable injury is more in his favour than to the respondents. Here, from the petition averments, it is evident that the respondents are trying to construct a petrol pump in the plaint A schedule property after reclaiming portion of the B schedule drain. It is also stated that the plaint A and B schedule are contiguous plot and construction is made in the property that includes portion of the B schedule drain. The pleadings on record would prima facie go to show that the respondents have trespassed into the B schedule public drain, reclaimed the property constructed terrace building there in and have filed



the drain with ordinary earth and now trying to annex portion for the same with the A schedule for constructing petrol pump.

26. From the pleadings in this application, it is evident that the main averment is that the respondents have reclaimed B schedule, dumped earth in the drain and are trying to construct petrol pump in the said property. The respondents have drawn my attention to Ext.B5 which is the letter issued by the Tahsildar, Kattakkada to the District Collector, Thiruvananthapuram dated 12.02.2025 showing that thodu puramboke is not included within the property in re-survey 145/37 and re-survey 145/38 in block no.43 of Veeranakavu village where the constructions are being made. This report is filed by the Tahsildar after measuring out the property by the Taluk Surveyor. This report produced by the respondents would prima facie negate the averments of the petitioner that portion of the plaint B schedule drain falls within the property where the respondents are making constructions for the petrol pump.

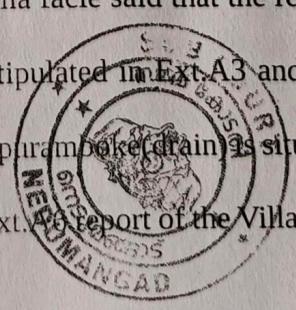
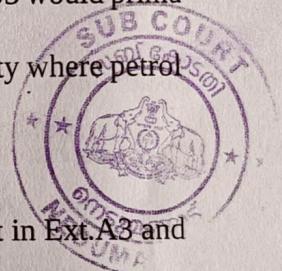
27. From the documents produced by the petitioner it is seen that the petitioner herein and others have preferred complaints against the respondents herein with respect to the construction of petrol pump in re-survey 145/37 and 145/38. It was argued by the learned counsel for the petitioner that new re-survey sub division was granted to the property of the respondents for the construction of petrol pump in violation of rules. There is prima facie no materials that would convince this court that the re-survey sub division with respect to the property of the respondents, where constructions is being made for petrol pump, was done in violation of any rules. The documents produced as



Exts.A3 ar  
wh

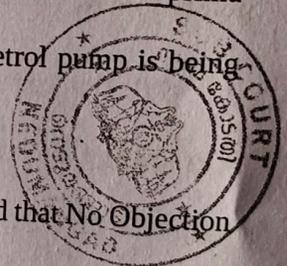
Exts.A3 and A13 would prima facie show that the properties of the respondents herein where converted to garden land during the year 2022, that is, as per the order dated 30.09.2022. When the respondents started to construct petrol pump in the said property, several complaints were made by the petitioner herein which is evident from the reports filed by the Village Officer, Tahsildar marked as Ext.A6 and Ext.A7. Ext.A6 would show that the objection was raised claiming that drain that situates in re-survey 142/1 and 144/1 in block no.43 of Veeranakavu village has been encroached and reclaimed by the respondents for the purpose of construction of petrol pump. Ext.B5 would clearly show that construction is being made in re-survey 145/37 and 145/38 and that property does not include thodu puramboke. A conjoined reading of Ext.A6 and B5 would prima facie go to show that thodu puramboke is not included within the property where petrol pump is being constructed.

28. The learned counsel for the petitioner vehemently argued that in Ext.A3 and A13 order it is specifically stated that the person in whose favour an order has been passed for converting wet land/paddy land into garden land is bound to preserve natural drain in the property. There is no doubt that certain conditions are stipulated in Ext.A3 and A13 while conversion is ordered. However, from Ext.B5 it is prima facie seen that water drain is not situated in the property with respect to which conversion of land was allowed as per Ext.A3 and A13. So, it cannot be prima facie said that the respondents have done any acts in violation of the conditions stipulated in Ext.A3 and Ext.A13. From Ext.A1 and A2 it is prima facie seen that thodu puramboke (drain) is situated in re-survey 142 in block no.43 of Veeranakavu village. Ext. report of the Village Officer,



Veeranakavu to the Tahsildar, Kattakkada would show that several persons have encroached upon thodu puramboke and the boundary of the drain is not evident. Ext.A8 letter issued by the District Collector to the Secretary, Poovachal Grama Panchayath would also show that the construction of the petrol pump is not done in the thodu puramboke. Based on all these reports Ext.B3 order is passed by the Secretary of Poovachal Grama Panchayath permitting construction in the property of the respondents comprised in re-survey no.145/37 and 145/38 measuring an extent of 7.75 ares strictly complying with the conditions in the order of the Town Planner produced as Ext.A11. Ext.A5 would show that No Objection Certificate has been issued in accordance with the Petroleum Rules for starting petrol pump in the property of the respondents. The particulars that was considered for the issuance of No Objection Certificate are specifically mentioned in the same. All these documents would prima facie negate the averment of the petitioner that construction of petrol pump is being done encroaching upon the portion of the plaint B schedule.

29. At the time of hearing, the counsel for the petitioner argued that No Objection Certificate was issued without complying with the mandates of Central Pollution Control Board. He placed reliance on the decision in *M/s. Indian Oil Corporation Ltd v. V.B.R Menon and others*, 2023 LiveLaw (SC) 185. In that case, the Hon'ble Apex Court has held that the direction issued by the Central Pollution Control Board should be followed for establishing new petrol pump outlets. It was argued that for starting a petrol pump outlet the minimum distance that should be from a natural drain is 50 metres. The learned counsel for the petitioner has drawn my attention to the fact that in



this case from  
sche

sons have

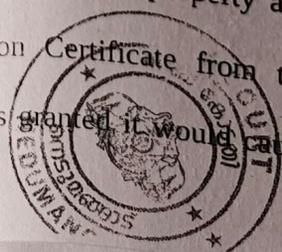
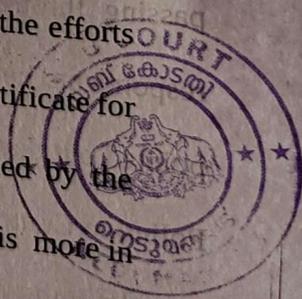
this case from Ext.A1 and A2, which are the survey plans with respect to the plaintiff schedule properties, it is seen that the drain is on the north-western side of 145/37, 145/38 and 145/1. It is also to be noted that the drain is on the immediate south-western side of 142 and is passing through 142. Ext.A4 which is a re-survey plan with respect to 145 would also disclose that 142 is on the northern side of 145/1 and 145/2. The measurement of the property which is the length of the entire 145/1 and 145/2 is shown as 47 metres and 37.8 metres respectively. So, he has argued that the length of the schedule property and the starting point of the drain is definitely below 50 metres and hence no permission could be granted for the construction of building for petroleum outlet. Ext.A6 and A7 are the reports of various officials and all these would go to show that the petitioner has agitated the matter before several forum and is aggrieved by the construction of the petrol pump in the plaintiff A schedule property. The specific averment in the affidavit is that a portion of the plaintiff B schedule has been reclaimed and there is attempt to construct petrol pump in some portion of the plaintiff B schedule. However, the report which is produced by the petitioner would go to show that there is no drain passing through the portion of the property which is in the possession of the respondents herein. At the time of hearing the learned counsel for the petitioner has pointed out that he is sticking on the point that there violation of norms of the Central Pollution Control Board before the issuance of No Objection Certificate. According to

him, the authorities cannot give permission to the respondents for a petroleum outlet for the reason that it violates the Environmental Rules and Petroleum Rules. There is no specific averment in the petition challenging the fact that No Objection Certificate is



issued in violation of the Petroleum Rules. On the contrary, Ext.A5 would prima facie show that No Objection Certificate was granted after considering all the requirements. The grounds of challenge raised by the petitioner in his affidavit and at the time of hearing would go to show that the petitioner is not having a prima facie consistent challenge regarding the construction of the petroleum outlet in the property of the respondents. The report filed by the Advocate Commissioner would show that there is no drain visible in the plaint B schedule. The Commissioner has reported that the assistance of a surveyor is required for identifying the plaint B schedule. The documents produced by both parties would show that the respondents are making construction of petrol pump in their property and Ext.A13 order of the Tribunal does not restrain the respondents from making any construction in the plaint A schedule properties without encroaching into re-survey 142/1 and 144/1. Analysing the documents on record and the matters stated in the affidavit and in the counter affidavit, I am of the considered view that the petitioner is unable to establish a prima facie case.

30. In the present case, the respondents have spent money and time for obtaining No Objection Certificate for the construction of petrol pump. Considering the efforts taken by the respondent since the last two years for getting No Objection Certificate for the construction of petrol pump and in defending various complaints filed by the plaintiff herein and others, I am of the view that the balance of convenience is more in favour of the respondents. Since the respondents have reclaimed the property and started construction after lawfully obtaining No Objection Certificate from the authorities concerned, I am of the view that if injunction is granted it would cause



irreparable inju  
compen

irreparable injury more to the respondents than to the petitioner, which cannot be later compensated in terms of money. In the light of these discussions, I am of the view that the petitioner is unable to establish the three fold test in his favour. So, he is not entitled to get an order for temporary injunction. Thus, these points are found against the petitioner.

31. **Point no.5:** Considering the fact that this is only an interlocutory application, parties are directed to bear their respective costs.

**In the result, this application is dismissed.** There is no order as to costs. The ad-interim injunction passed is vacated.

*(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 23<sup>rd</sup> day of January, 2026).*



~~PAJASREE, C.R.~~  
~~Civil Judge (Senior Division)~~

**APPENDIX:-**

**Exhibits Marked on the side of Petitioner:-**

A1	--	True Copy of Resurvey plan in Block No. 43/10 in Field No.145
A2	--	True Copy of Resurvey Plan in Block No. 43/10 in Field No.142
A3	30/09/2022	True Copy of Proceedings No. G2-6110/20/R. Dis.
A4	30/09/2022	True Copy of Proceedings No. G2-6110/20 R.Dis.

A5	02/06/2023	True Copy of objection Certificate bearing file No. DCTVM-3508/2020/A17.
A6	17/08/2024	True copy of the Report forwarded by the Village Officer, Veeranakavu to Tahsildar, Kattakkada.
A7	12/09/2024	True Copy of the report forwarded by the Tahsildar, Kattakada to District Collector, Thiruvananthapuram.
A8	2/12/2024	True Copy of the report forwarded by the District Collector Thiruvananthapuram to Secretary, Poovachal Panchayath.
A9	02/12/2024	True copy of the report forwarded by the District Collector Thiruvananthapuram to Tahsildar, Kattakada.
A10	--	Photograph
A11	05/11/2024	True copy of the Order No. LSGD/JD/TVM/7334/2024-P1 Passed by District Joint Director, LSGD.
A12	--	True Copy of the memorandum of Writ Petition
A13	18/3/2025	True of stay order in IA 1/25 in Appeal No. 116/2025 passed by the Tribunal for Local self Government Institution, Thiruvananthapuram.
A14	30/09/2022	True Copy of Order No. G2-6109/20/R.Dis

Exhibits Marked on the side of Counter Petitioner:-

B1	30/09/2022	True Copy of Order No. G2-6109/20/R.Dis
B2	30/09/2022	True Copy of Order No. G2-6110/20/R. Dis
B3	26/11/2024	True Copy of Proceedings Secretary Poovachal Grama Panchayath
B4	5/11/2024	True copy of proceedings of District Joint Director (Town Plan)
B5	12/02/2025	Copy of Report by Tahsildar



- B6 29/04/2025 Copy of Letter from Poovachal Panchayath
- B7 -- Copy of Resurvey plan
- B8 10/11/2025 Tax Receipt
- B8(a) 08/12/2022 True Copy of proceedings Tahsildar, Kattakada

Exhibits marked on the side of Court :-

- C1 20/12/2025 Commission report prepared by Adv. Bincy Sreerag
- C1(a) Rough plan Prepared by Adv.Bincy Sreerag.

Witness examined on the side of Petitioner:

NIL

Witness examined on the side of Respondent:-

NIL

Witness examined on the side of Court : NIL.

Civil Judge, Senior Division

Typed by :BR

Compd by :RPN

for *Yanna RPN*  
Selection Grade Typist  
Functioning as Fair copy Superintendent



A  
88/26



1. Name of Court	Sub Court/Asst. Sessions Court
	Nedumangad
2. Year and the date of filing	08. 19/2025
3. Name of the party	Adv. Sajeb. M
4. No. & date of the writ	A. 88/26 27/1/26
5. Date of the writ	29.1.26
6. Date of the writ	29.1.26
7. Date of the writ	
8. Date of the writ	
9. Date when copy was delivered	31.1.26
10. Date filed for fair copy	3.2.26
12. Date when copy was delivered	02.02.2026

for *Jameer R P*  
Selection Grade Typist  
Functioning as Fair copy Superintendent

affixed ₹. 34/50 as E-stamp



നോൺ ജുഡീഷ്യൽ

NON JUDICIAL

₹ 100

₹ 100

കേരള സർക്കാർ  
GOVERNMENT OF KERALA  
e-Stamp

e-Stamp Serial Number : 20252600007508937

Verification Code : 978211345V

Govt. Reference No.(GRN)	: KL045246801202526E
Purpose	: Affidavit
Amount of Stamp Paper Purchased in Numeral	: ₹ 100
Amount of Stamp Paper Purchased in Words	: Rupees One Hundred
Stamp Paper Purchased on	: 04/02/2026 12:50:42
First Party Name	: Nazar S
First Party Address	: Kunninpurathu Veedu Kaithakkonam Kattakada PO Trivandrum
Second Party Name	: National Green Tribunal
Second Party Address	: Southern Zone Chennai
Vendor Code & Name	: 02012390 - PREMACHANDRAN V
Treasury Code & Name	: 0201 - District Treasury Kattakkada

Please write or type below this line

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

**AFFIDAVIT**

I, Nasar S., aged 60 years, S/o. Sainulabdin, residing at Kaithakonam, Kunnumpurathu Veedu, Kattakada P.O., Veeranakavu, Thiruvananthapuram-695572, do hereby solemnly affirm and state as follows:

1. I am a permanent resident of the above shown address and holding Aadhar No.4754 1693 0953. A copy of the Aadhar Card is produced before the Hon'ble Tribunal for kind perusal and consideration.

S. MINI BAL, LL.B  
Advocate & Notary  
Reg.No.KM/1491/2002 Reg. No 24/2013/TVPM  
Mob. 9446011219



This can be verified by [https://estamp.treasury.kerala.gov.in/index.php/estamp\\_search](https://estamp.treasury.kerala.gov.in/index.php/estamp_search) using e-Stamp Serial Number and Verification Code.

In case of any discrepancy, please inform the competent authority.

മാറ്റാൻ പാടില്ലാത്ത  
വി. പ്രമാണങ്ങൾ

2. I am swearing this Affidavit to be filed before this Hon'ble Tribunal to bring to the attention of this Hon'ble Tribunal regarding a gross illegal and fraudulent act committed by some unknown persons in filing Memorandum of Application No. .... /2026 before this Hon'ble Tribunal showing me as the Applicant and the following 7 officials/persons as Respondents viz., **(i)** District Collector, Thiruvananthapuram, **(ii)** the Chairperson, Kerala State Pollution Control Board, **(iii)** the District Administrator, LSGD, **(iv)** the Territorial Manager (Retail), Bharat Petroleum Corporation Ltd., **(v)** Shukoor (Co-owner of property in new Resurvey No.145/37 and 145/38), **(vi)** Rejina, W/o. Shukoor (Co-owner of property in new Resurvey No.145/37 and 145/38) and **(vii)** Harikumar, Dealer of Bharat Petroleum Corporation Ltd.

3. I swear that I have come to know about the above Application filed before this Hon'ble Tribunal through my relative Mr. Shukoor, who is seen arrayed as Respondent No. 5 in the said Application. The said Shukoor received a copy of the said Application from the Territorial Manager of Bharath Petroleum Corporation Ltd, who is the 4th Respondent in the above Application. On perusal of the said Application and the signature seen endorsed in the same including the Vakalath, I swear that I have not signed the said Application and that the signatures seen on the said Application and the Vakalath are forged by someone and does not belong to me.

4. I further swear that I was not in Chennai on the 3<sup>rd</sup> of the January, 2026 on which date, the signatures in the above Application and Vakalath are seen endorsed. In fact, I have not been to Chennai for past several years.

5. I further swear that I have also not engaged any person or Lawyer to file any such Application before this Hon'ble Tribunal.

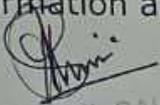
6. I also swear that going through the contents in the Application, I have no such complaints against the Respondents as alleged in the Application. I believe that someone misusing my name and signature, have filed this sham application before this Hon'ble Tribunal.

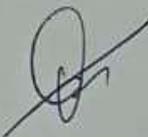


S. MINI BAL, LL.B.  
Advocate & Notary  
Roll No K/1491/2012, Reg.No 24/2013/TVPM  
Kattakada & Neyyattinkara  
Mob: 9495801746

7. I may humbly request before this Hon'ble Tribunal to not to further proceed with the above Application and also to take stringent actions against the offenders whoever has caused to file the above sham application before this Hon'ble Tribunal.

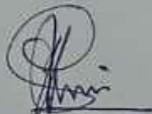
All what stated above are true and correct to the best of my knowledge, information and belief.

  
S. MINI BAL, LL.B  
Advocate & Notary  
Roll No. K/1491/2002 Reg No. 24/2013/TVPM  
Kallakada & Neyyattinkara  
Mob. 9495061346

  
Deponent

hereby solemnly affirm/sworn at the office of

(Advocate Notary) on this the 4<sup>th</sup> day of February, 2026, the contents of this Affidavit are truly and audibly read over to the Deponent in Malayalam since he is unacquainted with English and that he appeared perfectly to understand the same and put his signature in my presence.

  
S. MINI BAL, LL.B  
Advocate & Notary  
Roll No. K/1491/2002 Reg No. 24/2013/TVPM  
Kallakada & Neyyattinkara  
Mob. 9495061346

NOTARIAL REGISTER  
Vol. No. 2 Page No. 3  
Sl. No. 19 Date 04.02.26


S. MINI BAL, LL.B  
Advocate & Notary  
Roll No. K/1491/2002 Reg No. 24/2013/TVPM  
Kallakada & Neyyattinkara  
Mob. 9495061346

  
S. MINI BAL, LL.B  
Advocate & Notary  
Roll No. K/1491/2002 Reg No. 24/2013/TVPM  
Kallakada & Neyyattinkara  
Mob. 9495061346

  
SPECIAL ADHESIVE  
2026  
H.T. OF. KERALA



E-FILING NO - EF-HCK-2026-014657

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No ..... Of Year 2026

PETITIONER(S)

1. NAZAR

AGED 60 YEARS

S/O SAINULABDHIN, RESIDENT OF KUNNUMPURATHU VEEDU, KATHAKONAM,  
VEERANAKAVU VILLAGE, KATTAKKADA TALUK, THIRUVANANTHAPURAM DISTRICT  
, PIN-695572

VS

RESPONDENT(S)

1. STATE OF KERALA

REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM  
, PIN-695001

2. DISTRICT COLLECTOR

THIRUVANANTHAPURAM DISTRICT, CIVIL STATION, KUDAPPANAKUNNU,  
THIRUVANANTHAPURAM  
, PIN -695043

3. ADDITIONAL DISTRICT MAGISTRATE

THIRUVANANTHAPURAM, CIVIL STATION, THIRUVANANTHAPURAM  
, PIN -695043

4. REVENUE DIVISIONAL OFFICER

NEDUMANGAD, THIRUVANANTHAPURAM DISTRICT  
, PIN -695541

5. TAHSILDAR

KATTAKKADA TALUK, THIRUVANANTHAPURAM DISTRICT

FSO VERIFIED -35

- , PIN -695572
6. VILLAGE OFFICER  
VEERANAKAVU VILLAGE, KATTAKKADA TALUK, THIRUVANANTHAPURAM DISTRICT  
, PIN -695572
7. TALUK SURVEYOR  
KATTAKKADA TALUK, THIRUVANANTHAPURAM DISTRICT  
, PIN -695572
8. DISTRICT TOWN PLANNER  
THIRUVANANTHAPURAM, LOCAL SELF GOVERNMENT DEPARTMENT HOUSING BOARD  
BUILDING, SANTHI NAGAR THIRUVANANTHAPURAM  
, PIN -695001
9. POOVACHAL GRAMA PANCHAYAT  
REPRESENTED BY ITS SECRETARY, POOVACHAL, KATTAKKADA, THIRUVANANTHAPURAM  
DISTRICT  
, PIN -695572
10. SECRETARY  
POOVACHAL GRAMA PANCHAYAT, POOVACHAL, KATTAKKADA, THIRUVANANTHAPURAM  
DISTRICT  
, PIN -695572
11. PETROLEUM AND EXPLOSIVES SAFETY ORGANISATION (PESO)  
REPRESENTED BY ITS CHIEF CONTROLLER OF EXPLOSIVES, PESO OFFICE, KENDRIYA  
BHAVAN, KAKKANAD, KERALA  
, PIN -682037
12. TERRITORY MANAGER (RETAIL)  
BHARAT PETROLEUM CORPORATION LIMITED, IRIMPANAM INSTALLATION, IRIMPANAM,  
KOCHI  
, PIN -682309
13. SHUKOOR  
SIDDIQUE VILLA, 1A/3, KOLLODE P.O, KILLI, KATTAKKADA, THIRUVANANTHAPURAM  
, PIN -695571
14. REJEENA F  
W/O SHUKOOR, SIDDIQUE VILLA, 1A/3, KOLLODE P.O, KILLI, KATTAKKADA,  
THIRUVANANTHAPURAM  
, PIN -695571

MEMORANDUM OF WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF

FSO VERIFIED -35

INDIA BY GEORGE VARGHESE(PERUMPALLIKUTTIYIL),MANU SRINATH,LIJO JOHN  
THAMPY,NIVEDITA MUCHILOTE,RIYAS M.B.,RUKSANA SATHAR P.A.  
PERUMPALLIKUTTAYIL HOUSE, THEKKEKARA P.O., MAVELIKKARA PIN-690107.  
PIN - 0



### STATEMENT OF FACTS

The petitioner humbly submits as follows:-

1. The instant writ petition is preferred by the petitioner, who is a resident of Kaithakonam in Veeranakavu Village of Kattakkada Taluk, wherein a petrol pump under the aegis of Bharat Petroleum Corporation Limited (BPCL) is proposed to be installed and constructed. The petitioner is a resident of the said Kaithakonam where the said petrol pump is proposed, which is contrary to the provisions of the Petroleum Rules, 2002, and further, the said construction and installation are being proposed to be carried out in violation of the guidelines issued by the Central Pollution Control Board, by trespassing into Government puramboke/thodu, and by illegal reclamation and conversion of paddy land under the Kerala Conservation of Paddy Land and Wetland Act, 2008.
2. The 13<sup>th</sup> Respondent, Mr. Shukoor- owns property situated in Block No.43 of Veeranakavu Village, Kattakkada Taluk, comprised in Re.Sy. Nos.145/2-1 (2.83 Ares), 145/2-2 (3.24 Ares) and 145/2-3-1 (0.51 Ares), totalling 6.58 Ares, which was permitted to be converted under Section 27A of the Kerala Conservation of Paddy Land and Wetland Act, 2008, vide proceedings dated 30.09.2022 issued by the Revenue Divisional Officer, Nedumangad. A true copy of the proceedings No. G2-6109/20/R.Dis dated 30.09.2022 issued by the Revenue Divisional Officer, Nedumangad is herewith produced and marked as **Exhibit P1**. It is submitted that in the said Exhibit P1 proceedings, land reclamation was permitted notwithstanding the fact that the Agricultural Officer, Poovachal had furnished a report stating that the land was cultivable and therefore paddy land within the meaning of the Act.

3. The property situated in Re-Sy No.145/1 (1.17 Ares) of Block No.43 of Veeranakavu Village, owned by Rejeena F. (wife of 13<sup>th</sup> Respondent), was also permitted to be converted under Section 27A of the said Act vide proceedings No. G2-6110/20/R.Dis dated 30.09.2022 issued by the Revenue Divisional Officer, Nedumangad. A true copy of the proceedings No. G2-6110/20/R.Dis dated 30.09.2022 issued by the Revenue Divisional Officer, Nedumangad is herewith produced and marked as **Exhibit P2**.
4. Thereafter, the Additional District Magistrate, Thiruvananthapuram issued a No Objection Certificate under Rule 144 of the Petroleum Rules, 2002 on an application dated 14.05.2020 submitted by the Territory Manager (Retail), Bharat Petroleum Corporation Limited, for installation of a petrol pump at Kaithakonam in property owned by respondents 13 and 14, comprised in New Re-Survey Nos.145/37 and 145/38 of Veeranakavu Village, Kattakkada Taluk. A true copy of the No Objection Certificate dated 02.06.2023 issued by the Additional District Magistrate, Thiruvananthapuram is herewith produced and marked as **Exhibit P3**. It is submitted that Exhibit P3 certifies lawful possession and public safety without any enquiry or report from the subordinate revenue authorities, Pollution Control Boards, Town Planning Authority, Panchayat Secretary or PESO.
5. It is further submitted that a natural *thodu* forming Government puramboke land existed in Re-Sy.No.142/1 of Veeranakavu Village through which there was proper water flow and that respondents 13 and 14 filled up the same while redeveloping their lands for installation of the petrol pump. The residents of the locality complained against the said encroachment before the authorities concerned. The Village Officer, Veeranakavu conducted inspection and reported that the

Government puramboke land and the *thodu* had been trespassed upon and recommended initiation of survey proceedings through the Taluk Surveyor and restoration of the land, and also opined that the matter required technical environmental scrutiny. A true copy of the communication bearing No.551/2024 dated 17.08.2024 issued by the Village Officer, Veeranakavu to the Revenue Divisional Officer, Nedumangad and the Tahsildar, Kattakkada is herewith produced and marked as **Exhibit P4**.

6. On the basis of Exhibit P4, the Tahsildar, Kattakkada reported to the District Collector that trespass into Government land had occurred and recommended that the NOC for the petrol pump be kept in abeyance until survey proceedings were initiated and concluded. A true copy of the letter No. TLK/KTDA/1023/2022-A6 dated 12.09.2024 issued by the Tahsildar, Kattakkada to the District Collector, Thiruvananthapuram is herewith produced and marked as **Exhibit P5**.
7. The Territory Manager (Retail), BPCL submitted an application before the District Town Planner seeking layout approval for installation of the petrol pump/fuel filling station, which is classified as a Group-I construction under the Kerala Panchayat Building Rules, 2019. The District Town Planner passed proceedings No. LSGD/JD/TVM/7334/2024-P1 dated 05.11.2024 granting layout approval subject to strict conditions, including compliance with CPCB guidelines and mandatory setback rules prior to issuance of construction permit. A true copy of the proceedings No. LSGD/JD/TVM/7334/2024-P1 dated 05.11.2024 issued by the District Town Planner, Thiruvananthapuram is herewith produced and marked as **Exhibit P6**.

8. The District Collector thereafter issued a letter No. DCTVEM/11024/2024-A17 dated 02.12.2024 directing the Tahsildar to conduct a Taluk Survey through the Taluk Surveyor, identify encroachments upon Government puramboke land and submit a report along with a sketch. A true copy of the letter No. DCTVM/11042/2024-A17 dated 02.12.2024 issued by the District Collector, Thiruvananthapuram is herewith produced and marked as **Exhibit P7**.
9. Several residents including the petitioner submitted a mass petition before the Collectorate, Thiruvananthapuram seeking protection and restoration of Government road and drainage and cancellation of the petroleum outlet proposal. A true copy of the mass petition dated 02.08.2024 submitted by residents of Kaithakonam locality, Kattakkada Taluk before the Collectorate, Thiruvananthapuram is herewith produced and marked as **Exhibit P8**.
10. In compliance with Petroleum Rules, 2002 and Orders of the Hon'ble National Green Tribunal, BPCL through its Territorial Manager sought a clearance certificate from the Village Officer certifying that no water bodies existed within 15 metres of fill points and requesting details of water bodies within 50-100 metres. A true copy of the letter dated 17.01.2026 issued by Bharat Petroleum Corporation Limited to the Village Officer, Veeranakavu is herewith produced and marked as **Exhibit P9**.
11. After inspection, the Tahsildar, Kattakkada issued a clearance certificate to BPCL stating that no water bodies existed within 50 metres but admitting existence of a *thodu* on the western side of the PWD road within that distance. A true copy of the letter No. TLK-

KTDA/1023/2022-A6 dated 23.01.2026 issued by the Tahsildar, Kattakkada to BPCL is herewith produced and marked as **Exhibit P10**.

12. The Office Memorandum dated 07.01.2020 issued by the Central Pollution Control Board together with the Guidelines for Setting up of New Petrol Pumps pursuant to NGT order dated 18.01.2019 in O.A. No.86/2019 is relied upon. A true copy of the Office Memorandum No. B-13011/1/2019-20/AQM 10809 dated 07.01.2020 and Guidelines is herewith produced and marked as **Exhibit P11**. A true copy of the Addendum to the Guidelines for Setting up of New Petrol Pumps issued by CPCB is herewith produced and marked as **Exhibit P12**.

13. Aggrieved by the above, the petitioner submitted complaints dated 29.01.2026 before the District Collector, the Central Pollution Control Board and the Petroleum and Explosives Safety Organization. A true copy of the complaint dated 29.01.2026 submitted before the 2<sup>nd</sup> respondent is herewith produced and marked as **Exhibit P13**. A true copy of the complaint dated 29.01.2026 submitted before the Central Pollution Control Board, Chennai is herewith produced and marked as **Exhibit P14**. A true copy of the complaint dated 29.01.2026 submitted before the Petroleum and Explosives Safety Organisation is herewith produced and marked as **Exhibit P15**.

14. From the foregoing facts, it is evident that notwithstanding repeated and consistent reports of statutory authorities acknowledging encroachment upon Government puramboke land forming a natural *thodu*, illegal reclamation of cultivable paddy land, and serious environmental and safety concerns, the respondents have continued to grant and rely upon piecemeal approvals for establishment of a petroleum retail outlet in the locality. The issuance of the Ext.P3 No

Objection Certificate by the Additional District Magistrate, the contradictory Ext.P10 clearance certificate issued by the Tahsildar and the conditional Ext.P6 layout approval by the District Town Planner stand in stark contrast to the Village Officer's Ext.P4 report, the Tahsildar's earlier Ext.P5 recommendation to keep the Ext.P3 NOC in abeyance, and the District Collector's direction for a Taluk Survey in Exhibit P7, thereby exposing a complete failure of coordinated statutory scrutiny.

15. The petitioner, being a permanent resident of the affected locality, has exhausted every available administrative remedy by approaching the District Collector, the Pollution Control Boards and the Petroleum and Explosives Safety Organisation through Exhibits P13 to P15, as well as by participating in collective representations by residents as evidenced by Exhibit P8, yet without any effective remedial action forthcoming. The petitioner is therefore constrained to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India to prevent irreversible environmental degradation, continued unlawful occupation of Government land and drainage channels, and grave risks to public safety posed by the proposed petroleum outlet.

Bereft of any alternative and efficacious remedies, the petitioner is constrained to move this Honourable Court to seek appropriate remedies on the following:

**GROUND**

- A. The Ext.P3 No Objection Certificate dated 02.06.2023 issued by the 3<sup>rd</sup> respondent-Additional District Magistrate under Rule 144 of the Petroleum Rules, 2002 is illegal, arbitrary and unsustainable in law for total non-application of mind.

- B. The 3<sup>rd</sup> respondent mechanically certified lawful possession, public safety and public interest without calling for or considering any reports from the statutory revenue authorities, Taluk Surveyor, Village Officer, Pollution Control Boards, Panchayat Secretary, District Town Planner or the Petroleum and Explosives Safety Organisation. At the time of issuance of Exhibit P3, no enquiry was conducted into the existence of a natural *thodu* forming Government puramboke land, pending survey proceedings or environmental risks, which facts subsequently stand officially recorded in Exhibits P4, P5 and P7, thereby vitiating the very foundation of Exhibit P3.
- C. Rule 144 of the Petroleum Rules, 2002 mandates that the District Authority shall independently satisfy itself regarding public safety, legality of possession of the land, compliance with distance norms from water bodies and habitations, and conformity with pollution control standards before issuing a No Objection Certificate for petroleum installations. In **Ashwin Abraham Cherian v. Hindustan Petroleum Corporation Ltd., 2026 (1) KHC 172**, this Hon'ble Court has authoritatively held that CPCB guidelines and environmental safety norms are mandatory considerations while exercising powers under Rule 144. The ADM, in issuing Exhibit P3 without such scrutiny, acted in patent violation of the statutory scheme and binding precedent.
- D. The failure of the 3<sup>rd</sup> respondent to obtain prior reports from the Tahsildar, Village Officer, Taluk Surveyor, Pollution Control Boards, Panchayat Secretary and Town Planning Authority renders Exhibit P3 ultra vires, since the very same authorities subsequently issued Exhibits P4, P5 and P7 acknowledging encroachment of Government

land and existence of a water course. An authority empowered to regulate hazardous petroleum installations cannot abdicate its statutory duty by issuing a clearance in vacuum, particularly when the surrounding physical and environmental features of the site are in serious dispute.

- E. Exhibits P4 and P5 categorically record that Respondents 13 and 14 trespassed into Government puramboke land comprised in Re-Sy. No.142/1 by filling up a natural *thodu* which served as a drainage channel. Such acts squarely attract the penal and eviction provisions of the Kerala Land Conservancy Act. The District Collector thereafter ordered a Taluk Survey by Exhibit P7 for identification of encroachments. Until such survey is completed and the Government land is restored, continuation of construction or petroleum-related activities is wholly impermissible and contrary to law.
- F. The continued reliance upon the conversion orders issued under Section 27A of the Kerala Conservation of Paddy Land and Wetland Act, 2008 as per Exhibits P1 and P2 is legally untenable since the Agricultural Officer had reported that the lands were cultivable. A cultivable wet land falls within the statutory definition of paddy land and could not have been mechanically reclaimed without strict statutory satisfaction. The petroleum outlet proposal, being founded upon such questionable conversions, is therefore vitiated at its very inception.
- G. The CPCB Office Memorandum dated 07.01.2020 together with the Guidelines and Addendum produced as Exhibits P11 and P12 categorically prohibit location of petroleum retail outlets within 50 metres of surface water bodies including streams, canals and creeks,

and mandate heightened safeguards where such features exist within 50–100 metres. The Addendum specifically includes creeks and drainage channels within the meaning of water bodies. The admitted presence of a *thodu* within 50 metres of the proposed site, as recorded in Exhibit P10, therefore renders the site statutorily ineligible for establishment of a petroleum outlet.

- H. Exhibit P10 clearance certificate issued by the Tahsildar is vitiated by patent contradiction, inasmuch as it simultaneously states that no water body exists within 50 metres while admitting the existence of a *thodu* on the western side of the PWD road within the same radius. The Tahsildar, for extraneous reasons, failed to treat the said *thodu* as a water body as required under Exhibits P11 and P12, thereby rendering Exhibit P10 arbitrary, unreasonable and legally unsustainable.
- I. In **Marysadan Projects Pvt. Ltd. v. District Collector, 2025 (3) KLT 70**, this Hon'ble Court held that CPCB distance norms apply to all surface water bodies including streams and creeks and that petroleum retail outlets cannot be permitted within the prohibited radius. The ratio of the said judgment squarely governs the present case and disentitles the private respondents from proceeding with the outlet. Since the regulations/ guidelines aim at prevention of spillage and pollution, it will be anti-thetical to not include '*thodu*' within the description of waterbodies.
- J. The conditional layout approval granted by the District Town Planner by Exhibit P6 proceedings expressly mandates that the Panchayat Secretary shall ensure strict compliance with CPCB guidelines and safety norms before issuing any construction permit. Any building

permit or licence granted without fulfilling these conditions would be ultra vires the Kerala Panchayat Building Rules, 2019 and liable to be interdicted.

- K. The District Collector's Ext.P7 direction to conduct a Taluk Survey conclusively establishes that the question of encroachment and existence of Government land is *sub judice* before statutory authorities. Grant of petroleum and construction clearances during pendency of such proceedings is manifestly premature, irrational and destructive of the statutory regulatory regime.
- L. The repeated representations and complaints submitted by the petitioner and residents as evidenced by Exhibits P8 and P13 to P15 before the District Collector, Central Pollution Control Board and PESO have not resulted in any corrective action till date. Such administrative inaction in the face of admitted statutory violations violates Articles 14 and 21 of the Constitution of India, particularly the petitioner's right to safety, environment and peaceful enjoyment of property.
- M. Unless this Hon'ble Court intervenes at this stage, irreversible environmental damage will be caused by obliteration of natural drainage channels, contamination risk to groundwater and endangerment to residents living in close proximity, rendering the writ petition infructuous and resulting in grave miscarriage of justice.

It is, therefore, humbly prayed that this Hon'ble Court be pleased to:

- a) issue a writ of certiorari or any other appropriate writ, order or direction quashing the Ext.P3 No Objection Certificate dated 02.06.2023 issued by the 3<sup>rd</sup> respondent-Additional District Magistrate under Rule 144 of the Petroleum Rules, 2002;

- b) issue a writ of certiorari or any other appropriate writ, order or direction quashing the Ext.P10 clearance certificate dated 23.01.2026 issued by the 5<sup>th</sup> respondent-Tahsildar;
- c) issue a writ of mandamus or any other appropriate writ, order or direction directing respondents 1 to 7 to forthwith conduct and complete a Taluk Survey through the 7<sup>th</sup> respondent-Taluk Surveyor pursuant to Exhibit P7, identify all encroachments upon Government puramboke land including the *thodu* in Re-Sy. No.142/1 and adjoining survey numbers, and restore the same to its original condition;
- d) issue a writ of mandamus or any other appropriate writ, order or direction restraining respondents 12 to 14 and Bharat Petroleum Corporation Limited from carrying out any construction, installation or operation of the proposed petroleum retail outlet in the subject property;
- e) issue a writ of mandamus or any other appropriate writ, order or direction directing respondents 6 and 11 to conduct a joint site inspection of the site with reference to the Exts.P11 CPCB Guidelines and Ext.P12 Addendum and to initiate appropriate proceedings to ensure its compliance;
- f) issue a writ of mandamus or any other appropriate writ, order or direction directing respondents 2 to 7 to initiate and conclude proceedings under the Kerala Land Conservancy Act against illegal occupation of Government puramboke land forming the *thodu* in in Re-Sy. No.142/1 of Veeranakavu Village;

- g) The petitioner also prays that this Honourable Court may be pleased to dispense with the translation of the documents produced in the vernacular language.
- h) issue such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

**INTERIM RELIEF**

For the reasons stated in the Memorandum of Writ Petition, it is humbly prayed that this Honourable Court may be pleased to:

- (i) direct respondents 12 to 14 to maintain status quo as on date with respect to the nature and lie of the land and to forthwith stop all construction, earth-filling, levelling, excavation, installation of tanks, pipelines or dispensing units and allied activities in connection with the proposed petroleum retail outlet;
- (ii) stay the operation and effect of the Ext.P3 No Objection Certificate and the Ext.P10 clearance certificate;
- (iii) direct respondents 2, 5 and 7 to conduct an urgent Taluk Survey through the Taluk Surveyor with notice to the petitioner and respondents 13 and 14, identify the *thodu* and Government puramboke land in Re-Sy. No.142/1 and file a report along with sketch before this Hon'ble Court within a time frame to be fixed,
- pending the final disposal of this writ petition.

Dated this the 9<sup>th</sup> Day of February, 2026.



Counsel for the Petitioner



Petitioner

## BEFORE THE HONOURABLE HIGH COURT OF KERALA

W.P. (c) No. of 2026  
 Nazar : Writ Petitioner  
 V.  
 State of Kerala and others : Respondents

**AFFIDAVIT**

I, Nazar, aged 60 years, S/o Sainulabdhin, residing at Kunnumpurathu Veedu, Kaithakonam, Veeranakavu Village, Kattakkada Taluk, Thiruvananthapuram District – 695 572 do hereby solemnly affirm and state as follows:

1. I am petitioner in the writ petition(c). I know the facts of the case.
2. I submit that this writ petition (c) has been prepared on the basis of the facts and documents furnished by me to the counsel. All the facts stated in the writ petition(c) are true and correct to the best of my knowledge and information and I believe them to be true. The documents produced as exhibits along with the writ petition(c) are true copies of the respective originals.
3. I submit that I have not instituted any other petition on the same cause of action, for the same relief.

What is stated above in paragraphs 1 to 15 in statement of facts and A to M in Grounds are true and correct to the best of my knowledge, information and belief and are derived from records and I believe the same to be true.

Above are true and correct to the best of my knowledge, information and belief.

Dated this the 10<sup>th</sup> day of February, 2026.



Deponent

Solemnly affirmed and signed before me by the deponent, who is personally known to me on this the 10<sup>th</sup> day of February, 2026

R. SASIDHARAN B.Sc.,LL.B.  
 ADVOCATE & NOTARY  
 KATTAKADA, THIRUVANANTHAPURAM DIST.  
 Ph: +91- 7025815650



Advocate

Solemnly affirmed and signed before me  
 by the deponent on this the 10<sup>th</sup>  
 day of 2<sup>nd</sup> 20<sup>th</sup> Feb  
 at my office at Kattakada.