

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
ORIGINAL APPLICATION NO. 266 OF 2025 (SZ)**

S Lakshmikanthan,

...Applicant

Vs

The District Magistrate and Ors.

...Respondents

TYPED SET OF PAPERS FILED BY 6th RESPONDENT


M/s. AAV PARTNERS

S SARAVANAN

E KARTHIKEYAN

COUNSEL FOR 6th RESPONDENT

76, II Floor, Marshalls Enclave, Marshalls Road,

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Email – saleemperson@gmail.com / Ph - 9500069660

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DATED AT CHENNAI ON THIS THE 12TH DAY OF JANUARY, 2026


COUNSEL FOR 6TH RESPONDENT

GOVERNMENT OF PUDUCHERRY
IRRIGATION DIVISION,
PUBLIC WORKS DEPARTMENT

No. 345 /PW/EEI/DB/C-22/2024-25

Puducherry, 22/7/24

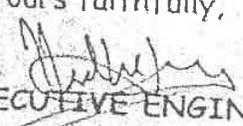
To
Thiru. Praveen Kumar Bhukva,
(Territory Manager (Retail) Trichy)
Bharat Petroleum Corporation Limited.,
1st Floor, Raj towers (Near Kalaignar Arivalayam)
Karur Bye Pass road, Trichy-620 002.

Sir,

Sub: PW - ID - Clarification requested the canal passing behind
T.S.No.3/5A, Ward-K, Block No.6, Olandai Revenue Village,
Puducherry- Reg.
Ref: No. TRT.NRO.18 dt.10.06.24.

With reference to the above cited, it is to be informed that, the Irrigation channel passing behind the proposed site at T.S.No.3/5A, Ward-K, Block No.6 of Olandai Revenue Village Namely "Olandai Surplus Course" which is previously act as a surplus channel to drainout excess water now presently act as an "Urban drainage carrier".

Yours faithfully,


EXECUTIVE ENGINEER

Copy Submitted to:

1. The Chief Engineer, Central Office, PWD, Puducherry.
2. The Superintending Engineer, Circle-II, PWD, Puducherry.

For kind information please.

Copy to:

The Assistant Engineer, ISD-II, PWD, Puducherry.

A-34
GOVERNMENT OF PUDUCHERRY
TALUK OFFICE
PUDUCHERRY

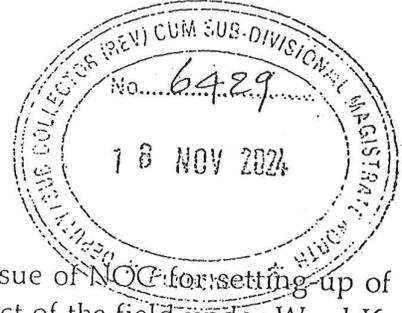
Annexure - R2

No.3870/TOP/TAH/PETROLEUM ACT/2024/02

Puducherry, the, 16.11.2024

To

The Sub Divisional Magistrate (North),
Puducherry.



Sir,

Sub: TOP - Petroleum Rules, 2002 - Issue of NOC for setting-up of Petrol/Diesel retail outlet in respect of the field under Ward-K. Block No.6, T.S.No.3/5/A of Olandai Revenue Village - Report submitted -Regarding.

Ref: Circular No.1784/SDM (N)/A2/2024/1844, dt, 07.08.2024 O/o the SDM (N), Puducherry.

With reference to the subject mentioned above, I am to furnish herewith the detailed field enquiry report in connection with setting-up of a petroleum retail outlet in respect of the field under Ward-K. Block No.6, T.S.No.3/5/A of Olandai Revenue Village, Puducherry, as below:

Upon perusal of the documents furnished by the applicant, it is understood that the Bharat Petroleum Corporation Limited has proposed for setting-up of petroleum retail outlet in respect of the field under Ward-K. Block No.6, T.S.No.3/5/A of Olandai Revenue Village located in the 100 Feet Road, Mudaliarpet Puducherry, facing East direction. The proposed site which is compounded on all four sides falls under Ward-K. Block No.6, T.S.No.3/5/A of Olandai Revenue Village. In frontage it measures 35m length and 35m breadth. According to the sale Deeds No's. 2322/1989 & 2251/1989 and the Settlement Deed No.10994/2022, Tmt. Meena W/o Latchumanan & Thiru. Ragavendiran S/o Vadivelu are the land owners of the above said property respectively and they had jointly executed a Lease Deed vide Doc No.31616/2024 in favour of Bharat Petroleum Corporation Limited in order to set-up a petroleum retail outlet of M/s. BPCL, in Puducherry.

Issued Under RTI Act 2005
ATTESTED

R. COUMARANE
Public Information Officer-cum-Special Officer
of the Special Secretary (Rev)-cum-Collector
Puducherry.

3

The proposed site is situated in the major District road of urban area and it is adjacent to the Puducherry to Cuddalore ECR road and it has sufficient vehicular traffic. The proposed site has proper accessibility for emergency response.

There are no dangerous buildings, schools or places of public assembly within the vicinity of 50 meters and the establishment of petrol bunk in the proposed site would serve the need of the urban public at large.

The minimum plot size of fuel station should be 20m frontages X 20m in urban stretches as per 5 of Morth norms. The proposed fuel station measures 35 x 35m which is more than the area as stated above. Thus, the same is suitable for accommodation of fuel pumps, offices, stores, compressor room, air pump and kiosk without causing any hindrance to the movement of vehicles of expected maximum dimensions within the fuel stations and the access area as specified in the IRCs:

The applicant firm has proposed to give adequate drainage system on the access to the fuel station so that the surface water does not flow over the road.

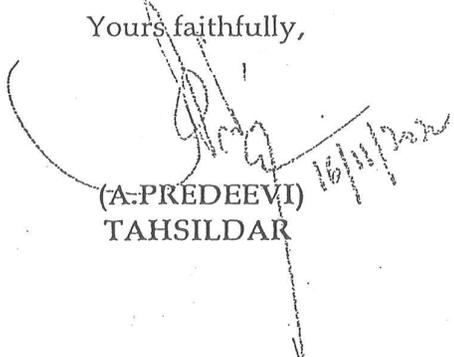
The proposed site has been complied with provision for width of the Right of Way as per the norms. Thus, grant of NOC for setting-up of retail outlet in respect of the field under Ward-K. Block No.6, T.S.No.3/5/A of Olandai Revenue Village may be considered subject to the fulfillment of views of the other line departments.

Submitted please

Issued Under RTI Act 2005
ATTESTED

R. COUMARANE
Public Information Officer, Special Officer
Office of the Special Secretary (Revenue-Collector)
Puducherry.

Yours faithfully,


(A. PREDEEVI)
TAHSILDAR

No.1300/TCP/SC/2024/ 919
GOVERNMENT OF PUDUCHERRY
TOWN AND COUNTRY PLANNING DEPARTMENT, PUDUCHERRY

To
The Sub Divisional Magistrate (North),
Office of the Sub Divisional Magistrate (North),
Puducherry.

Puducherry, the

20 NOV 2024

Sir,

Sub: TCPD –Setting up of MS / HSD Retail Outlet at Ward-K, Block-6,
T.S.No.3/5A of Olandai Revenue Village, Puducherry Municipality,
Puducherry - Views furnished -Reg.

- Ref: 1. Circular No.1784/SDM(N)/A2/2024/900, dt:03.05.2024 of the
Sub Divisional Magistrate (North), Puducherry.
2. This office letter of even No. dated 16.05.2024.
3. Your letter No. 1784/SDM(N)/A2/2024/2579, dt: 03.10.2024.

..ooOoo..

Kindly refer to the letters cited above. The proposal for setting up of MS / HSD Retail Outlet at Ward-K, Block-6, T.S.No.3/5A of Olandai Revenue Village, Puducherry Municipality, Puducherry is earmarked as "Commercial Zone" as per the notified Comprehensive Development Plan-2036 of Puducherry Region, wherein setting up of Fuel retail outlet is permitted.

Yours faithfully,


(K. VEERASELVAM)
CHIEF TOWN PLANNER

Copy to:

The Member Secretary,
Puducherry Planning Authority,
Puducherry.

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FORM-3

A-32

Annexure - R4

147

Form of supply of information to the applicant under the Right to Information Act, 2005

Puducherry, dt: 12/05/2025

No.0362-1/DSE/EE/AC/RTI/2025/

From

The Public Information Officer -cum-
The Deputy Director of Education (Elementary Education)
Directorate of School Education
Puducherry.

76

Tmt. Chithira B,
No.16, 3rd Cross Street,
Balaji Nagar, Reddiarpalayam,
Oulgaret, Puducherry -605 010

Sir,

Sub:- DSE- DD(EE) – Application for seeking information under the Right to Information Act, 2005 – Reply Furnished – Reg.

Ref:- Your online application dated 02.05.2025 forwarded to the undersigned on 08.05.2025

Please refer to your application addressed to the Public Information Officer-cum-Deputy Director (Elementary Education) regarding supply of information.

2.The reply as far as the office of the Deputy Director (Elementary Education) is concerned is furnished in the Annexure enclosed.

3.As per Section 19 of the Right to Information Act, 2005 you may file an appeal to the First Appellate Authority of the Department within 30 days of the issue of this Order, whose particulars are given below: -

Shri. P. PRIY TARSHNY, I.A.S.,
Director of School Education -cum -Appellate Authority
Directorate of School Education,
Perunthalaivar Kamarajar Educational Complex,
Anna Nagar, Puducherry. Ph.No.0413 2207202(O)



Yours faithfully,

C. GAVOURY

(C.GAVOURY)
DEPUTY DIRECTOR (ELEMENTARY EDUCATION)
-CUM- PUBLIC INFORMATION OFFICER

Copy to:
The Superintendent, RTI Section, DSE, Puducherry.

ANNEXURE

Q.No.	Information sought for	Information furnished
1.	<p>Is there any school in the name of Shining Berries at 42/2 Thendral Street, Jayamurthy Raja Nagar, Ozhandal Keerapalaiyam, Mudallarpet, Puducherry 605 004 granted recognition to run the school by Directorate of School Education, Puducherry? If so please furnish the following details.</p> <p>a) Year from which the recognition granted to run the school</p> <p>b) Furnish the standard up to which the recognition is granted</p> <p>c) Please furnish the copy recognition order in respect of the academic year 2024-25</p>	<p>The Directorate of school Education, Puducherry has not granted recognition to run the school in the name of "SHINING BERRIES" at 42/2 Thendral Street, Jayamurthy Raja Nagar, Ozhandal Keerapalaiyam, Mudallarpet, Puducherry 605 004</p> <p>Does not arise</p>




 (C.GAVOURY)
 DEPUTY DIRECTOR (ELEMENTARY EDUCATION)
 -CUM- PUBLIC INFORMATION OFFICER

No.1300/TC/SC/2025/ 71
GOVERNMENT OF PUDUCHERRY
TOWN AND COUNTRY PLANNING DEPARTMENT
-o0o-

Annexure - R5

To

The Deputy Collector (HQ),
Office of the District Collector,
Puducherry.

Puducherry, the
27 JAN 2025

Sub: TCPD – Setting up of MS/HSD Retail outlet at Ward-K, Block-6,
T.S.No.3/5A of Olandai Revenue Village, Puducherry Municipality,
Puducherry – Reg.

Ref: 1. This office letters of even No. dated 16.05.2024 & 20.11.2024.
2. Letter No.3254/DM/RO/TAH/D3/2022/97, dt:03.01.2025 of the Deputy
Collector (HQ), O/o District Magistrate, Puducherry.

Kindly refer to the above. In this regard, it is to be informed that, this department has already furnished views on 20.11.2024 for setting up of MS/HSD Retail outlet at Ward-K, Block-6, T.S.No.3/5A of Olandai Revenue Village, Puducherry Municipality, Puducherry, based on the Puducherry Building Bye-Laws and Zoning Regulations, 2012 and Comprehensive Development Plan-2036 of Puducherry Region, which are statutory in nature. Wherein it was stated that:

“.....The proposal for setting up of MS/HSD Retail outlet at Ward-K, Block-6, T.S.No.3/5A of Olandai Revenue Village, Puducherry Municipality, Puducherry is earmarked as "Commercial Zone" as per the notified Comprehensive Development Plan 2036 of Puducherry Region, wherein setting up of Fuel retail outlet is permitted”.

In this regard, it is pertinent to inform that setting up of MS/HSD Retail outlet is permitted in the Residential Zone also as per Puducherry Building Bye-laws and Zoning Regulations-2012. Necessary copies of extract of the same is enclosed for reference.

Further, the proposed Land use map of the Olandai Revenue Village is also enclosed for reference to know about the Land use near the proposed retail outlet. The said details may be viewed from the Official website of the Town & Country Planning Department and Puducherry Planning Authority i.e) (i) tcpd.py.gov.in (ii) ppa.py.gov.in.

The CPCB guide lines issued vide O.M.No.B.13011/1/2019-20/AQM, dt:07.01.2020 pertains to the Puducherry Pollution Control Committee. The required views/opinion on the guide lines may please be obtained from Puducherry Pollution Control Committee.

This is for information and further action at your end.

Yours faithfully,


(K. VEERASELVAM)
CHIEF TOWN PLANNER

Encl: As stated above.

B. S. D.
DESPATCHED

8

GOVERNMENT OF PUDUCHERRY
 DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT
 PUDUCHERRY POLLUTION CONTROL COMMITTEE
 III FLOOR, PHB BUILDING, ANNA NAGAR, PUDUCHERRY -5
 Phone: (0413) 2201256 Fax: (0413) 2203494



* * *

No.3129/PPCC/NOC/PM/JLA-I(PPCC)/2024/11035

Puducherry, dt 26 NOV 2024

To
 The Sub Divisional Magistrate (North),
 Department of Revenue and Disaster Management,
 Puducherry.

Sir,

Sub: PPCC-Views /Opinion for site suitability of the proposed MS/HSD
 retail outlet at Ward-K, Block-6, T.S.No.3/5A of Olandai Revenue
 Village, Puducherry Taluk – Furnished - Regard.

Ref: Your letter No.1784/SDM(N)/A2/2024/1983 dt.21.08.2024.

* * *

With reference to the subject mentioned above, it is informed that The Hon'ble Supreme Court of India, in the Civil Appeal No.421 of 2022, excluded petroleum outlets from obtaining Consent to Establish (NOC) from the State Pollution Control Boards or Pollution Control Committees. However, in compliance to the order of the Hon'ble National Green Tribunal, the CPCB has issued the Guidelines for Setting Up of New Petrol Pumps vide O.M. No. B-13011/1/2019-20/AQM/0814 dt.07.01.2020 and its addendum vide O.M. No. B/13011/1/2019-20/AQM dt. 16.08.2021 shall be strictly adhered to. Following siting criteria are stipulated in the CPCB guidelines for new retail outlets:

- i) O.M. dated 07.01.2020 stipulates that *"In case of siting criteria for petrol pumps new Retail Outlets shall not be located within a radial distance of 50metres (from fill point/ dispensing units/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential area designated as per local laws. In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet from schools, hospitals (10 beds and above) and shall be less than 30 meters. No high tension line shall pass over the retail outlet."*
- ii) Following siting criteria related to setting up of new petrol pumps near waterbodies are stipulated in the addendum issued by CPCB dated vide O.M. 16.08.2021:
 - a) *All the surface water bodies irrespective of utility shall be protected from any possible contamination. These include lakes, ponds, streams, rivers, wetlands, canals and creeks, as per revenue records. Retail Outlets shall not be located within a distance of 50 meters from the nearest point of water bodies. In case of streams and rivers, the distance shall be considered from floodway. In case floodway is not defined, the distance shall be considered from firm banks/ edge of river. The siting criterion is to be implemented for all new petrol pumps where construction by OMCs starts post the issuance of these guidelines.*

- b) Retail outlets coming within 50 meter to 100 meter from the nearest point of surface water body shall have secondary containment by way of double walled tanks or concrete protection walls around Underground Storage Tank (UST).

The proposed site for establishing a new MS/HSD retail outlet at Ward-K, Block-6, T.S.No.3/5A of Olandai Revenue Village, Puducherry Taluk was inspected by the official of PPCC on 21.11.2024 and it is observed that a drainage canal is located on the western side and residential buildings are present in the southern side.

It is opined that the Revenue Department before issuing NOC for the proposal may ascertain the following through concerned departments before issuing the NOC:

- i) Town and Country Planning Department shall ascertain if there is any notified residential area as per the local laws (Comprehensive Development Plans, etc.) within 50 meters / 30 meters (as applicable).
- ii) The Directorate of Survey and Land Records shall ascertain whether the drainage canal in the proximity of the project site is notified waterbody and if so whether it falls within 50 meters / 100 meters distance (as applicable).

The following condition may be stipulated in the NOC for the new Petrol Pump, if meeting the siting criteria:

"The measures stipulated in the CPCB Guidelines for Setting Up of New Petrol Pumps issued vide O.M. No. B-13011/1/2019-20/AQM/0814 dt.07.01.2020 and its addendum vide O.M. No. B/13011/1/2019-20/AQM dt. 16.08.2021 with respect to vapour recovery systems, secondary containment for storage tanks, containment and treatment of spillages, check on leakages from underground storage tanks, treatment and disposal of sludge removed from storage tanks, measures for protection of workers health, audit of all protection measures and monitoring system implemented at petrol pumps shall be strictly adhered to."

Yours Sincerely

N. Ramesh

(Dr. N. RAMESH)
MEMBER SECRETARY

PUDUCHERRY POLLUTION CONTROL COMMITTEE

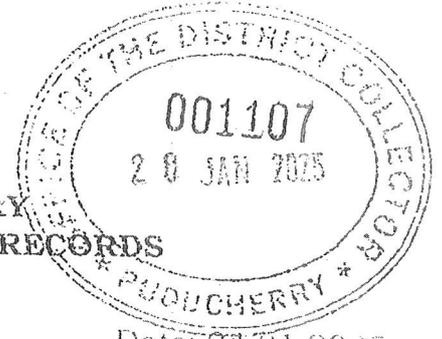
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- 1) Guard File.

O/c
26/11/2024

13

GOVERNMENT OF PUDUCHERRY
DIRECTORATE OF SURVEY AND LAND RECORDS
PUDUCHERRY



Date: 24.01.2025.

No 78/DSL/ADOS/2025

To

The Deputy Collector (HQ),
Office of the District Magistrate,
Puducherry.

DCHQ

2/294

Sir,

Sub: DSLR – Furnishing of Survey Report – Reg.

Ref: Lr.No.3254/DM/RO/TAH/D3/2022/96 dt.03.01.2025.

With reference to the subject, I am to enclose herewith the Survey Report and Location Sketch in respect of NOC for setting up of MS/HSD retail outlet at Ward-K, Block-6, T.S.No. 3/5A of Olandai Revenue Village as called for therein.

It is informed that the site falls in Ward-K, Block-6, T.S.No.3/5Apt of Olandai Revenue Village, where M/s. Bharat Petroleum Corporation Limited has proposed to set up a petroleum retail outlet. On field verification it is found that there is a channel in T.S.No.3/4 in Ward-K, Block-6 on the western side of the proposed land at T.S.No. 3/5Apt in Ward-K, Block-6 of Olandai Revenue Village as per FMB and Settlement Records of this Directorate. As on date the channel in use as a water drainage. The settlement copy and the sketch are enclosed. As per the proposed sketch of the M/s. Bharat Petroleum Corporation Limited there is a distance of approximately 27ft. from the canal and the boundaries of the fuel outlet proposal in the said survey No.

Yours faithfully

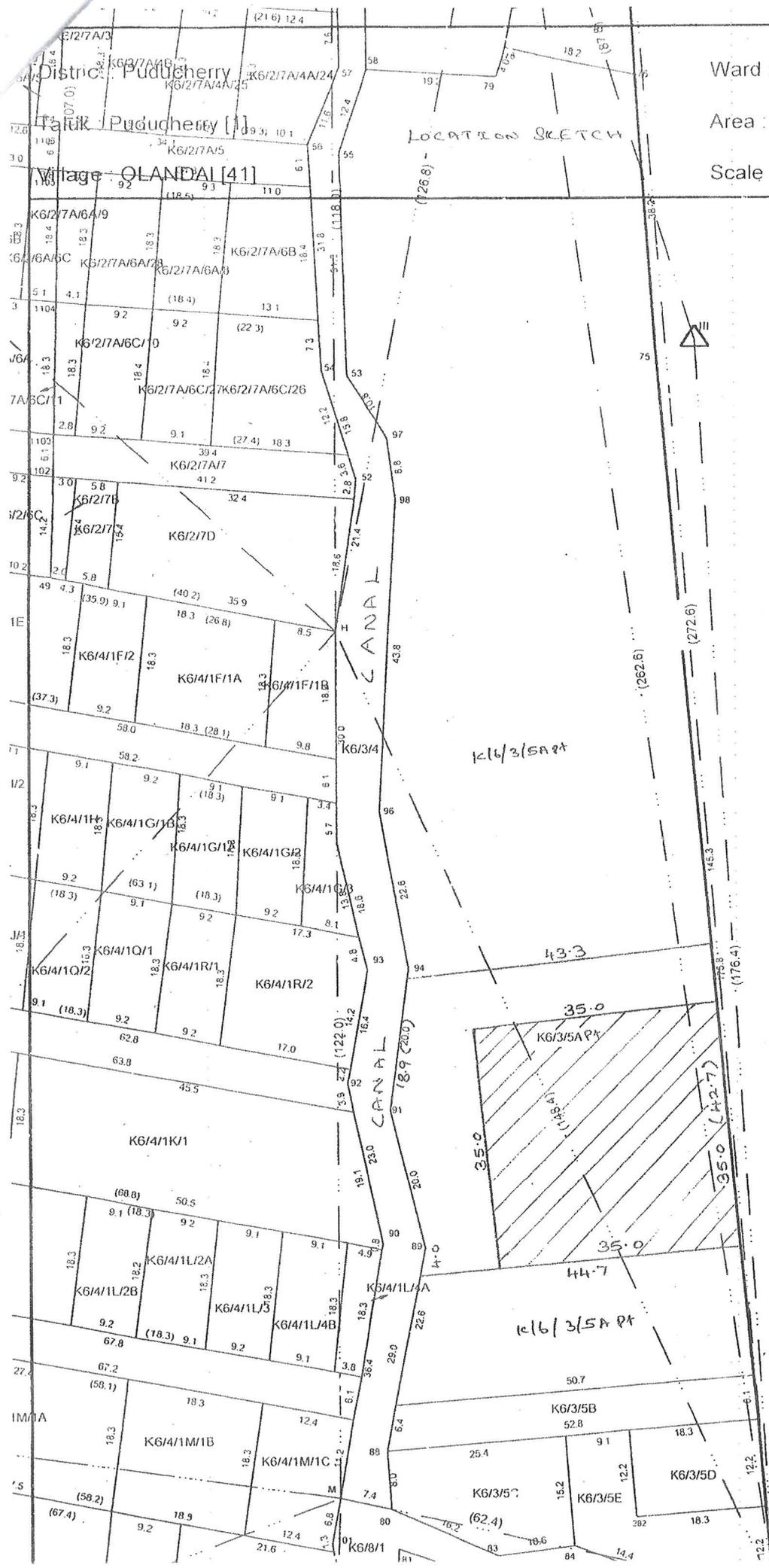
Issued Under RTI Act 2005
ATTESTED

R. COUMARANE
Public Information Officer-cum-Special Officer
Office of the Special Secretary (Rev)-cum-Collector
Puducherry.

C. C. 24-1-2025
(C. SENDHILKUMAR)
DIRECTOR OF SURVEY

Encl: As above.

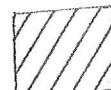
8
2/294
05/01/25



Ward : K Block : 6
 Area : Hect 15 Ares 73.08
 Scale : 1 : 565

LOCATION SKETCH

 → Total document area surrounded by compound wall

 → Proposed site of Petroleum retail outlet (Leased Petrol) to an extent of 0.12.25 (35.0m x 35.0m)

Issued Under RTI Act 2005
 ATTESTED

R. COUMARANE
 Public Information Officer-cum-Special Officer
 Office of the Special Secretary (Rev.)-cum-Collector
 Pudukkottai

