

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

**OA No.121 of 2023**

**IN THE MATTER OF:**

**P. CHENNAIHA**

**..... APPLICANT**

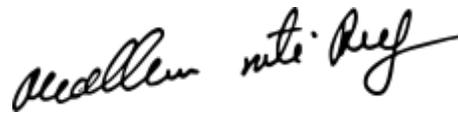
**VERSUS**

**THE SUB COLLECTOR AND OTHERS**

**..... RESPONDENTS**

**REPORT FILED BY THE DISTRICT REVENUE OFFICER R3**

**DATE- 10.07.2024**



**M/s MADHURI DONTI REDDY  
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH**

**A.P. POLLUTION CONTROL BOARD**

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.

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ORIGINAL APPLICATION NO 121 OF 2023

**1. P. Chennaiah**

S/o P. Venkatramaiah  
Kalikiri, Chittoor District  
Applicant

.....

**Versus**

**1. The Sub Collector,**

Office of Sub Collector,  
Madanapalle, Annamayiyya District,  
Andhra Pradesh – 517330

**2. The District Fire Officer,**

Opposite to Collector Office,  
Masapet, Rayachoti,  
Annamaya District,  
Andhra Pradesh – 516270.

**3. The District Revenue Officer,**

Rayachoti,  
Annamaya District,  
Andhra Pradesh – 516270.

**4. The Senior Manager**

Hindustan Petroleum Corporation Ltd.,  
Nellore Retail Regional Office,  
D-No. 16-15-986-2, 2nd Floor,  
Aarvee House, Children's Park Main Road,  
Near Krishna Mandiram,  
Nellore – 524002.

**5. K. Shahjahan**

S/o K.Khadar Saheb,  
Kalikiri Village & Mandal

..... Respondents

**REPORT FILED BY 3<sup>rd</sup> RESPONDENT DISTRICT REVENUE OFFICER**

It is submitted that, Sri. P. Chennaiah has filed an application before the National Green Tribunal (South Zone) Chennai with a prayer to direct the Respondents No.1 to 3 to withdraw the "No Objection Certificate" and to take action according to law, in respect of setting up of a petrol bunk in Sy.no.342 of Kalikiri village and Mandal of Annamaya District.

It is submitted that District Collector, Annamaya District has forwarded the application received from Baba Saheb s/o K. Khadar Shareef seeking for NOC for setting up of retail outlet storage of LPG etc., in Sy.no.342/1 ext:0.34 cents of Kalikiri Village and Mandal, for enquiry and to submit report.

It is submitted that the Tahsildar, Kalikiri has been instructed from this office for enquiry and to submit report.

It is submitted that the Tahsildar, Kalikiri in the report has submitted proposals duly recommending for grant of NOC in favour of the Senior Manager, Hindustan Petroleum Corporation Limited, Nellore Retail Regional Office, D.No.16- 15-986-2, 2nd Floor, AARVEE House, Children's park Main Road, Near Krishna Mandiram, Nellore, for proposed petroleum new retail outlet for storage of Class A 16,000 Ltrs of MS & Class B 35,000 Ltrs of HSD in Sy. No.342, of Kalikiri village, and Mandal, further the same was submitted to the District Collector, Rayachoti, duly recommending for NOC for storage up of petroleum outlet.

It is submitted that the representation received from Sri. P.Chennaiah and Y. Venkataramana Naidu to stop new retail outlet of Petrol Bunk at Piler to Madanapalle road, Kalikiri land in Sy.no.342/1- to protect the environment of the lake which belongs to Kalikiri Project, the same was forwarded to the Tahsildar. Kalikiri and instructed to look into matter and submit specific remarks for taking necessary action in this regard.

It is submitted that the Tahsildar, Kalikiri has submitted factual report stating that the land in Sy No. 342 Extent A.0.51 Cents is classified as Govt-Dry as per the A- Register of Kalikiri village, further submitted that as per 10(1) accounts of Kalikiri village, the land in Sy No.342 with an extent of 0.51 acres, stood in the name of Sri Palagiri Alam Saheb & Sri Palagiri Pedda Khadar Saheb vide Khata No.322 of Kalikiri Village in Kalikiri Mandal.

It is submitted that the Said Sri K.Shajahan S/o K.Khadar Saheb and Smt. K.Jareena w/o K.Shajahan have jointly purchased the land in Sy. No.342 for an Extent Ac.0.34 Cent from the legal heirs of the 10(1) pattadars and further Smt. K.Jareena has sold her share (i.e.0.17 Cents) to Sri K.Shajahan S/o K.Khadar Saheb, as said K.Shajahan S/o K.Khadar Saheb acquired right over the total share of 0.34 Cents in Sy.No.342 of Kalikiri village

It is submitted that the land in Sy. No.342 Extent A.0.51 Cents was sub divided into Sy. No.342/1 Extent A.0.34 Cents and Sy.No.342/2 Extent A.0.17 Cents as per 8A/5/1432 dated 27.05.2022. The proposed Petroleum Products new retail outlet falls in Sy. No.342/1 Extent A.0.34 Cents which is owned by K.Shajahan S/o K.Khadar Saheb. The present applicant K.Shajahan S/o K.Khadar Saheb is having clear title over the said land in Sy.No.342/1 Extent Ac.0.34 Cents of Kalikiri village.

It is submitted that the land in Sy. No.342/1 Ext. 0.34 cents is converted from Agriculture land to Non-Agriculture Land and the copy of Annexure - C issued by the Revenue Divisional Officer, Madanapalle is enclosed herewith. During the year 2005-2006 the lands adjacent to Badabandla vanka (Stream) were acquired to construct Check Dam as per the award No.L.A.4/JN/2005-2006/dated: 26.11.2005 in Sy.No.340/4, 341/1, 341/2, 343, 344, 347/1 and 347/2 of Kalikiri village, and as said the land in Sy.No.342 Extent A.0.51 Cents. was not acquired as per the village records.

It is submitted that the land in Sy.No.342/1 Ext. 0.34 cents located at an aerial distance of 350meters (0.35 km) form the Badabandlavanka Check Dam.

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It is submitted that the land in Sy.No.342/1 Ext. 0.34 cents did not belong to Kalikiri Project and the land is purely patta land for which the NOC granted for Petroleum Products new retail outlet on Piler to Madanapalle road for storage of Class A 16,000 Ltrs of MS & Class B 35,000 Lits of HSD in Sy.No 342, of Kalikiri village, and Mandal.

It is submitted that during the inspection of the proposed outlet, the land is formed to be free from disputes and encroachments and the boundaries of land are as follows.

East Land of Dhasthagiri

West: Government Land (Oota Cheruvu)

North: Government Land (Oota Cheruvu)

South Road.

It is submitted that the land is surrounded by compound wall and without any encroachments and K.Shajahan S/o K.Khadar Saheb is in possession for an extent of 0.34 Cents in Sy.No. 342/1 and recorded in his name vide Khatha No. 1192 of Kalikiri village.

It is submitted that the land proposed for petroleum product out let is having Government land ie. Oota cheruvu (Water Bodies) as boundaries in North and West directions. The said Oota cheruvu is adjacent to the land of K.Shajahan which is proposed for petroleum products out let. The proposed fill point/dispensing units/vent piper land is having less than 10 Meters radius from Oota cheruvu (Water Bodies).

It is submitted that no objections were received from public or villagers of Kalikiri village for grant of NOC for proposed Petroleum Products new retail outlet on Piler to Madanapalle road for storage of Class A 16,000 Lirs of MS & Class B 35,000 Ltrs of HSD in Sy. No 342/1 of Kalikiri village during the course of enquiry.

It is submitted that in the above circumstances explained above, it is to submit that there are no flaws in respect of recommending the application of Sri K.Shajahan S/o K.Khadar Saheb for grant of No Objection certificate in Sy.no.342/1 ext: 0.34 cents of Kalikiri village, as far as the title, possession and enjoyment over the land which is purely settlement patta land. The applicant also has not raised any sort of allegation against the respondents in respect of the title and enjoyment of the land.

It is submitted that the applicant raised only one objection against the proposed No Objection certificate issued to the applicant Sri.K.Shajahan So K.Khadar Saheb who is impleaded as 5th respondent in this application, on the plea that the project, the entire lake (Tank) at kalikiri village will be polluted due to spillage and the entire environment will get spoiled. In repeat of this allegation the Petitioner has not filed any specific proof or evidence in support of his objection that in Petrol bunk (Petroleum Products outlet) there is likely hood of any spillage or waste from its day-to-day operations. It is to further submit that the general operations in a petrol bunk outlet or receiving the stock in bulk tankers and storing the same in the underground tanks and lifting the same stock of petrol or diesel through the Pumps and delivery to the vehicles on a retail basis and as such it is neither a manufacturing unit nor a production unit wherein there is probabilities of

emission of spillage of wastage and waste material etc., and as such the present Petroleum outlet is not such a case and as such the allegations leveled by the applicant are totally baseless and vague in nature, which has no mandatory value.

It is submitted that the applicant has filed two petitions one is dt: Nill which is received in this office on 03.07.2023 and another is filed on dt: 01.07.2023 which is received in this office dt: 07.07.2023 and the same was referred to Tahsildar, Kalikiri taken for remarks and after receipt of the report from Tahsildar those petitions will be replied appropriately. However, the applicant post-hastily approached the National Green Tribunal and filed Application No. dt: 24.07.2023 without waiting for the reply from this respondent for the petition filed by the Petitioner as mentioned above.

Further it is submitted that, the NOC was approved by the Joint Collector, Annamayya District and under orders of the Joint Collector, the District Revenue Officer has issued NOC to Sr. Manager, HPCL, Nellore. Whereas the applicant had filed application duly imploding District Revenue Officer, Annamayya.

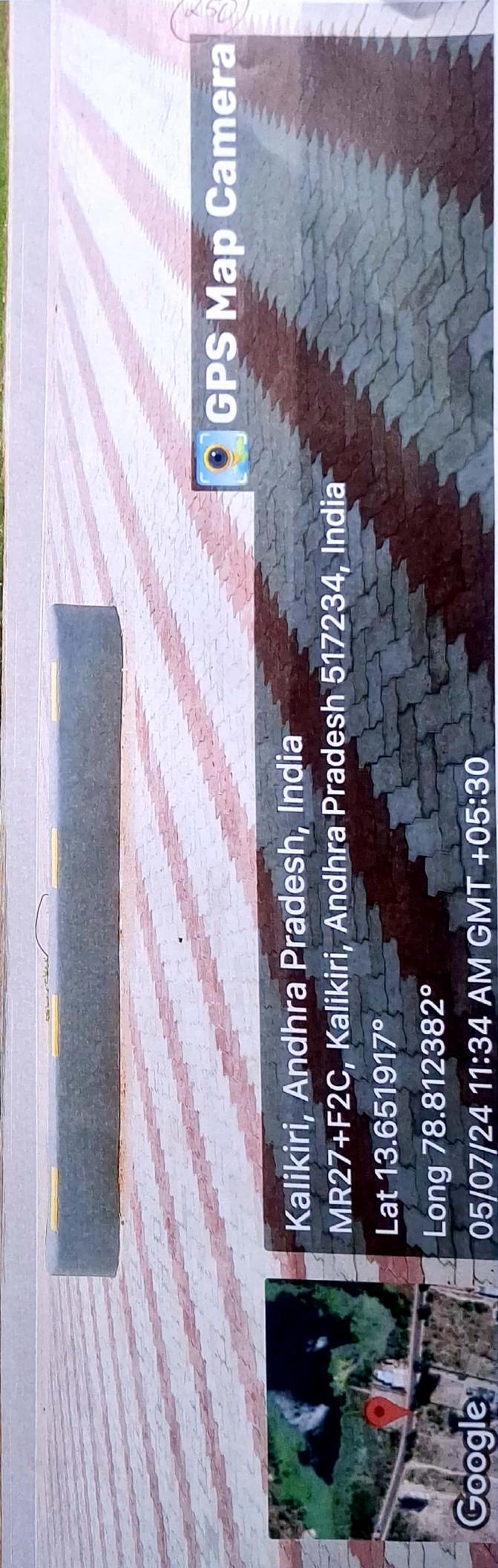
In the above circumstances as there is no any iota of evidence and validity in the allegations raised by the Petitioner and as such the Application is liable to be dismissed and I request to appraise the facts to the National Green Tribunal (Chennai) with a plea to dismiss the Application at the admission stage itself.

Yours faithfully,

  
District Revenue Officer,  
Annamayya District.

**District Revenue Officer &  
Addl. Dist. Magistrate  
Annamayya District.**

  
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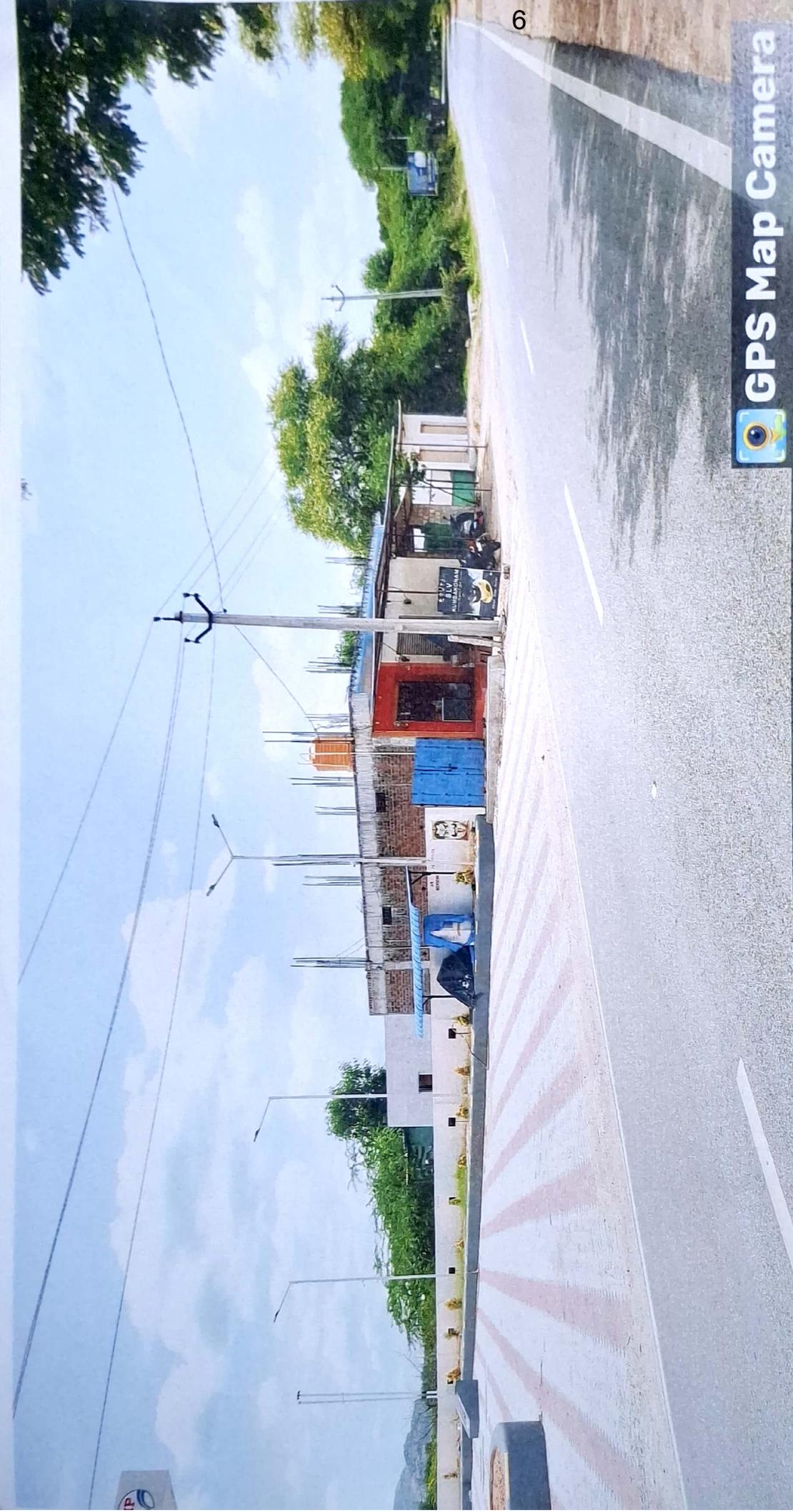


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**Long 78.812382°**  
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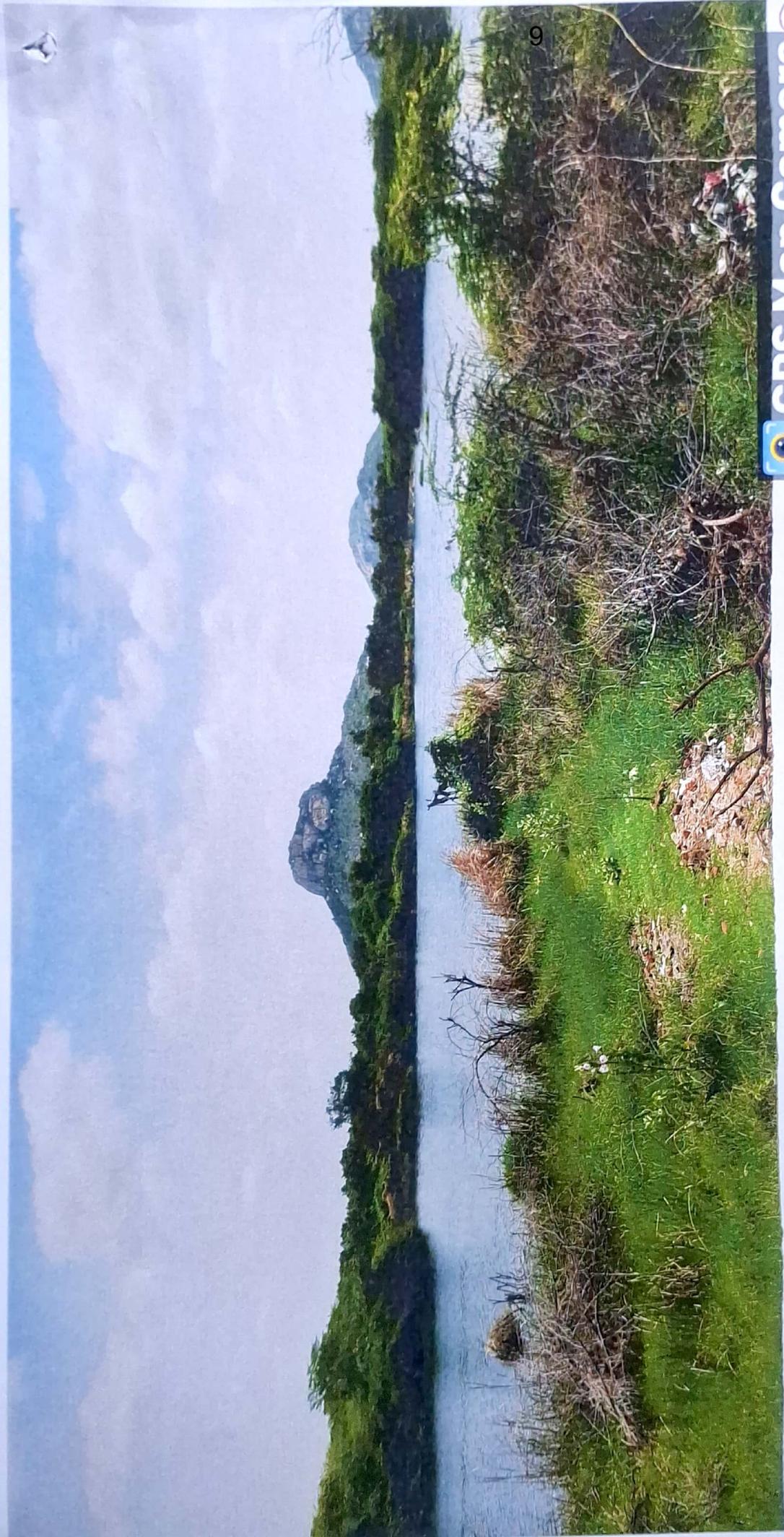


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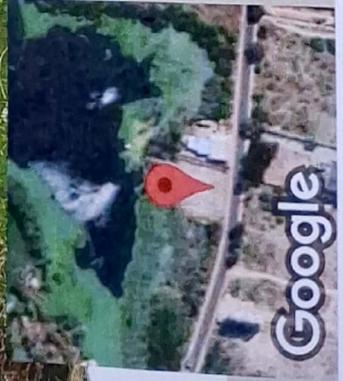
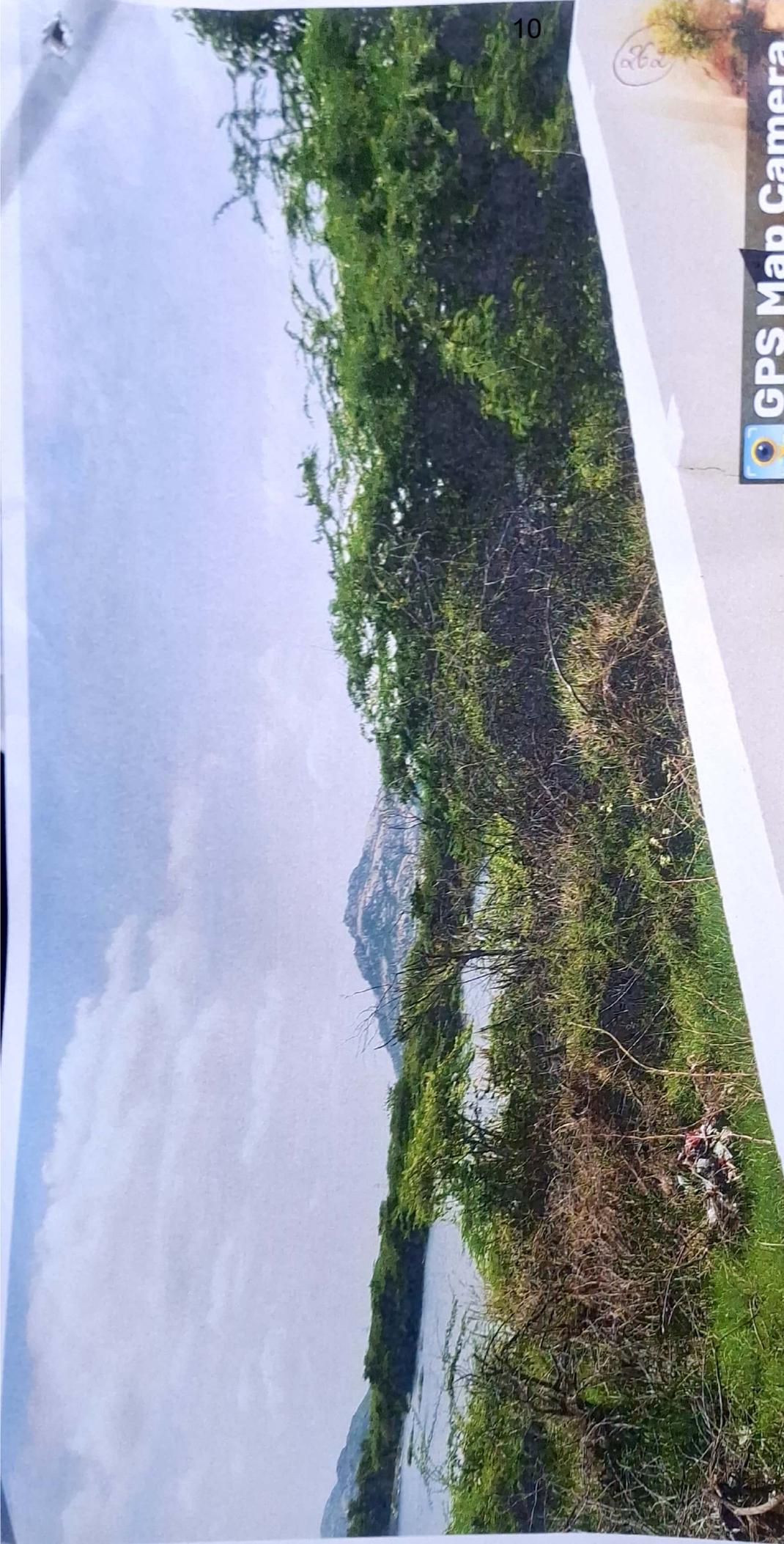
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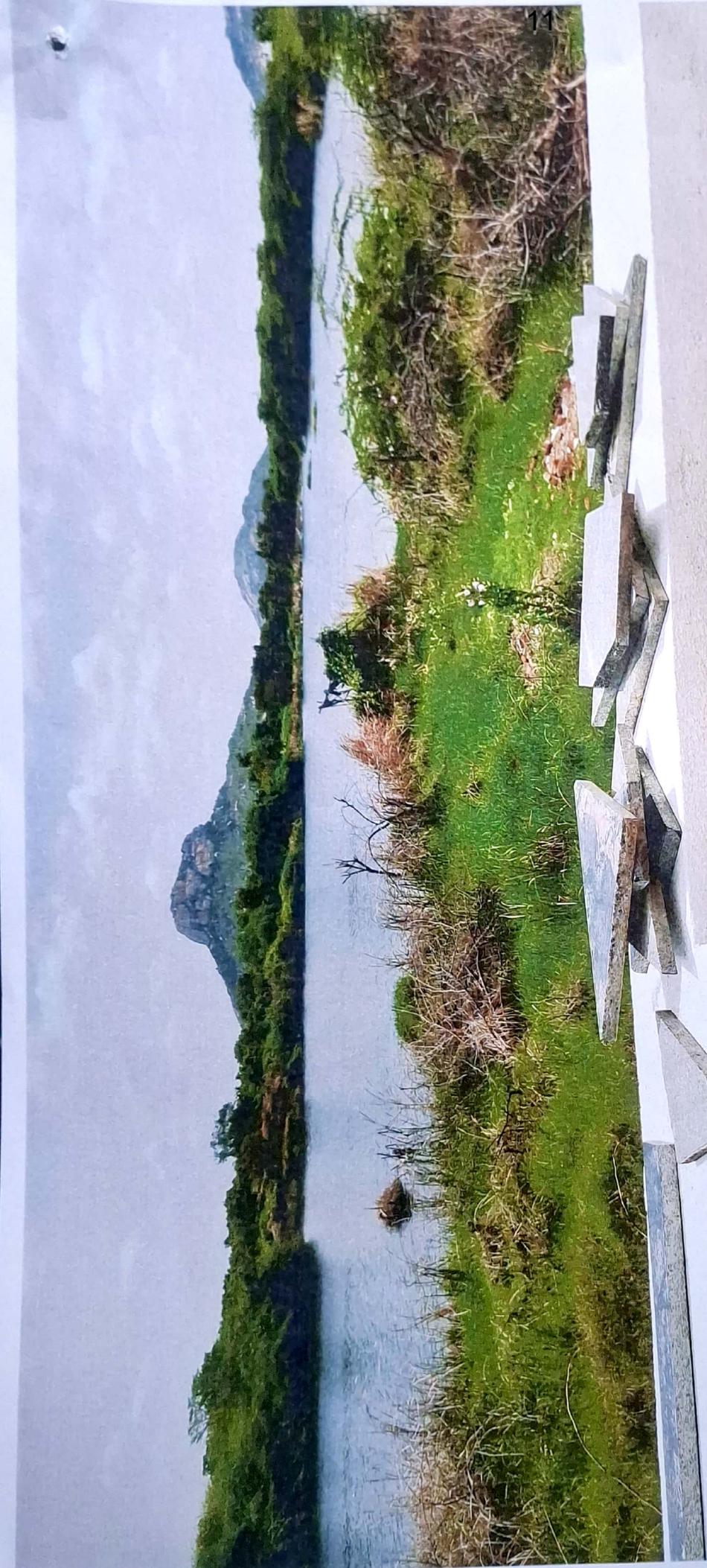
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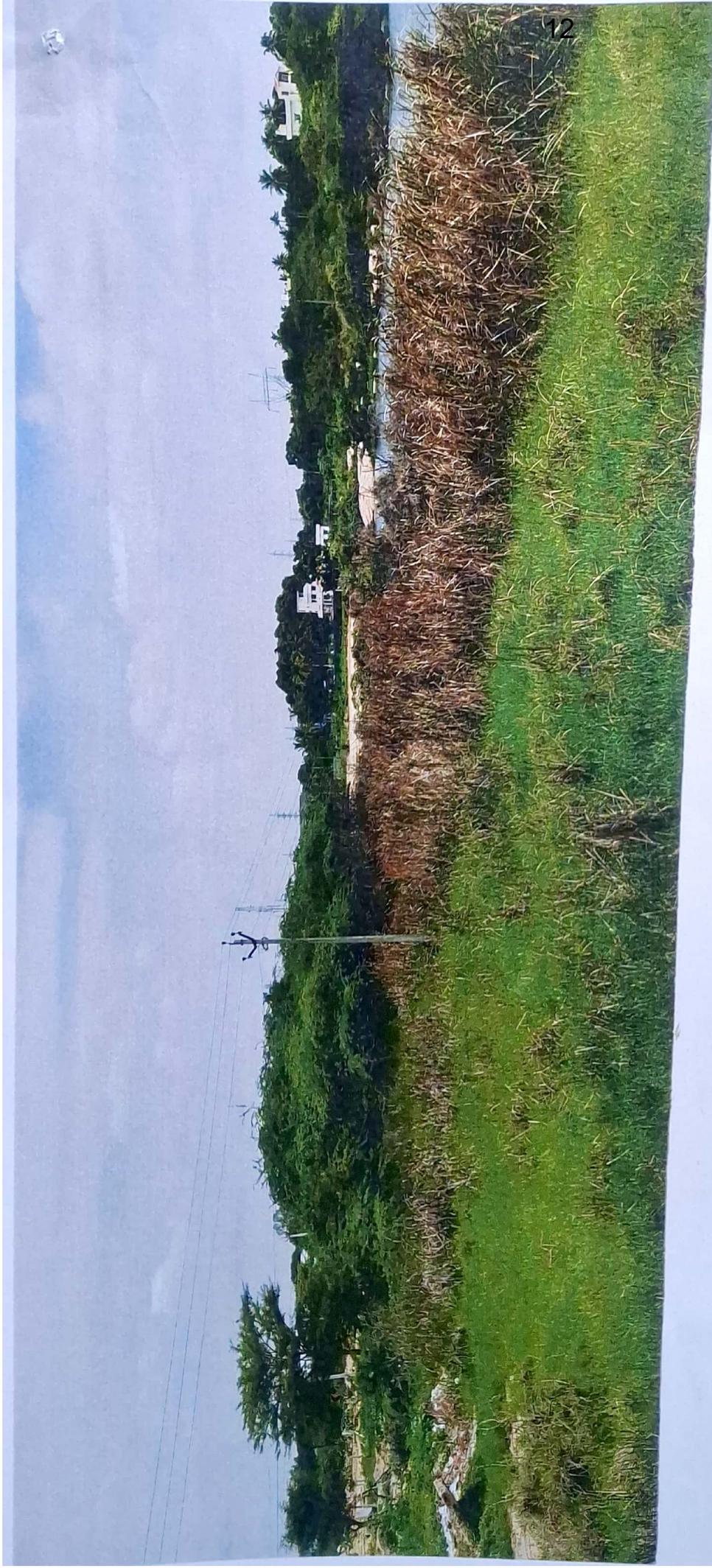




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