

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI

O.A No. 167 of 2020 (SZ)

A. Vijayan,
S/o. Ayyakutty,
Carol & Bharat Villai,
Vijayapuram,
Kirathoor Post,
Kanyakumari District.

... Applicant

vs

1. The District collector,
Kanyakumari District,
Nagercoil.
2. The District Revenue Office,
Collectorate Office,
Nagercoil.
Kanyakumari District
3. The Revenue Divisional Officer,
Vilavancode Taluk,
Thuckalay.
Kanyakumari District
4. The Deputy General Manager,
Indian Oil Corporation limited,
Southern Region,
Indian Oil Bhavan,
No. 139, Mahatma Gandhi Road,
Nungambakkam High road,
Chennai- 600034.
5. The Divisional Manager,
Indian Oil Corporation,
Kappallur,
Madurai
6. The Assistant Director of Pollution Control,
Water Tank Road,
Nagercoil,
Kanyakumari District

7. Antony Vijayan,
S/o. Singarajan,
Kalingarajapuram,
Vallavilai,
Kollemcode Post,
Kanyakumari District

.... Respondents

Objection submitted by the applicant against the report of the District Collector, Kanyakumari District:-

1. The District Collector filed the Joint Report with respect to the order of this Honourable Tribunal dt 07-09-2020. The objection to the report is as follows:

2. It is submitted that the Boundary mentioned in the report of the District Collector reveals in point No. 5 and 7 as follows:

Point No.5 : The site of the unit is surrounded by the following topography

North : Residences

South : residences & Coconut Farm

East : Road connecting Nithiravilai & Kollencode & Residence

West : Vacant land & a residence.

Point No. 7: The boundary of the residence located in the north, South 7 East is at a distance of about 18m, 13.51m & 17.7m from the fuel dispensing unit respectively.

From the report itself, reveals the boundary on three sides are clustered with residential houses in occupation.

3. Residential area is defined as "a land used in which housing predominates, as opposed to industrial and commercial areas. This includes single family houses". Apart the panchayat Act does not define residential area, hence the classification of residential area is outside the jurisdiction of the panchayat.

4. The PCB guidelines provides the oil marketing companies must ensure that new Petrol pumps shall be atleast 50 metres away from the residential area.

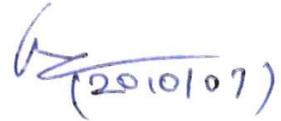
Consent Management is misconstrued and misapplied by the authority and oil marketing company.

I. Consent for establishment :

II. Consent for operation : to be issued on getting no objection from the adjacent residents within 50 metres.

Hence, this Honourable Tribunal may be pleased to accept the objection raised and thus render justice.

Dated at Chennai on this 15th day of July, 2021



Counsel for the Applicant

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TRIBUNAL (SZ), CHENNAI**

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... Applicant

vs

The District collector,
Kanyakumari District,
Nagercoil.
And 6 Others

.... Respondents

Objection submitted by the applicant
against the report of the District Collector,
Kanyakumari District

M/s. A.RAJKUMAR SEN (167/1991)

C.R.NIMAL (2010/2007)

A.STEPHEN (4145/2012)

P.MURTHY (2332/2013)

Counsel for Petitioner

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