

Item No.01:

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Tuesday, the 18th day of April 2023.

(Through Video Conference)

Original Application No.39 of 2023(SZ)

IN THE MATTER OF:

P. Shanmugam

S/o. Pichaimuthu Pillai,
No.8/42, Chinna Milaguparai,
Collector Office Road,
Tiruchirappalli – 620 001.



Versus

...Applicant(s)

- 1. The Commissioner of Police,**
Trichy City Police Office,
Pudukkottai Main Road,
Subramaniapuram,
Tiruchirappalli – 620 020.
- 2. The Joint Chief Environmental Engineer**
Tamil Nadu Pollution Control Board,
No.25, Developed Plots, Thuvakudy,
Tiruchirappalli – 620 015.
- 3. The Regional Director,**
Central Pollution Control Board,
Regional Directorate (Chennai),
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate,
Chennai – 600 058.
- 4. The Divisional Engineer,**
(Construction and Maintenance)
Highways Department,
25/28, Shankar Illam,
Pudukkottai Main Road, Subramaniapuram,
Tiruchirappalli – 620 020.
- 5. The District Collector,**
Tiruchirappalli District,
District Collector Office, Raja Colony,
Tiruchirappalli – 620 001.

6. The Joint Chief Controller of Explosives,
A and D Wing, Block 1 - 8,
2nd Floor, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai -600 006.

7. The Territory Manager (Retail)
Bharat Petroleum Corporation Ltd.,
First Floor, Raj Towers,
Near Kalaignar Arivalayam,
Karur Bye-pass Road,
Tiruchirappalli – 620 002.

...Respondent(s)

For Applicant(s): Mr. V.B.R. Menon.

For Respondent(s): Dr. D. Shanmuganathan for R1 & R5.
Mr. S. Sai Sathya Jith for R2.
Mr. S. Saravanan for R7.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

ORDER

1. The applicant who is a resident of Tiruchirapalli has filed this application after coming to know that the Bharat Petroleum Corporation Limited/7th respondent has submitted an application for setting up a new petroleum retail outlet on Major Saravanan Road, Abishekapuram Village, Tiruchirappalli Taluk.
2. According to the applicant, the proposed site is within the prohibited distance of 50 Meters from the residential buildings which is violative of the CPCB Guidelines.
3. From the perusal of the records, admittedly, the explosive license from the Petroleum and Explosives Safety Organization (PESO) is not yet obtained.

4. Today, when the matter was taken up for hearing, the learned counsel for the applicant produced the photographs to show that already work has been commenced for setting up the petroleum retail outlet by the 7th Respondent.
5. It appears that in this regard, he had already sent a representation by registered post to the Commissioner of Police – Thiruchirappalli, Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Highways Departments and also the District Collector – Tiruchirappalli, setting out his objection for the issuance of NOC or any other license/permission to the BPCL. The said communication was sent by him on 19.03.2023. In response to the same, the Tamil Nadu Pollution Control Board has directed its District Environmental Engineer to take necessary action on the representation and furnish the action taken report by its communication dated 27.03.2023.
6. Admittedly, no permission/ approval/ license has been granted so far for setting up the petroleum retail outlet as on date, excepting the allegations of the applicant that they have already started the construction by excavation. If that is so, we direct the 1st Respondent/Commissioner of Police, Trichy City Police Office to consider his objections before granting any license/ permission/ approval to the Bharat Petroleum Corporation Limited for setting out the Petroleum Retail Outlet. The Tamil Nadu Pollution Control Board is directed to verify whether any construction is being made in violation of the CPCB Guidelines and take appropriate action.
7. With the above directions, the Original Application [O.A. No.39 of 2023 (SZ)] is disposed of.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

**O.A. No.39/2023(SZ)
18th April, 2023. Mn.**