

**IN THE NATIONAL GREEN TRIBUNAL AT SOUTHERN ZONE BENCH AT  
CHENNAI**

**O.A. 38 OF 2022**

Poola Suresh

...

Petitioner

Vs

Ministry of Environmental Forest and Climate  
Change and others

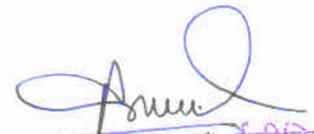
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Respondents

**COUNTER FILED BY THE 3<sup>RD</sup> RESPONDENT**

I, P.S.N.Seshu Son P.Chandra Rao, Hindu, aged about 52 years, occupying the post of Assistant Divisional Engineer in the South Central Railways, at Tirupati do hereby solemnly affirm and sincerely state as follows:-

1. I am occupying the post of Assistant Divisional Engineer and I am competent to file this Counter Affidavit on behalf of the South Central Railways.
2. I submit that the District collector had permitted to close the Level crossing gate No 96 at Km 97/4-5 between Chandragiri & Tirupati station after construction of RUB vide Collector/Chittoor Office letter No. ROC No C1/REV-CSECOMIS(RAIL)/2/2018 DATED 03/07/2018. (Enclosure 1).
3. The Road under Bridge (RUB NO: 127A) was sanctioned in lieu of LC No 96 at Km 97/4-5 between Chandragiri & Tirupati station by railway board in the year 2019-2020.



सहायक मडल ईजीनियर  
Asst. Divl. Engineer  
द.म. रेलवे / S.C. Railway  
तिरुपति/TIRUPATI

4. The General arrangement drawing was approved by Railways & TTD during the month of January 2022.
5. As per the approved drawing, work was started and RCC boxes were cast and got ready for launching. In the meantime some trees were noticed in the approaches of LC gate which will get damaged while construction of RUB.
6. In this regard, we have approached TTD forest officials for clearance of trees vide ADEN/TPTY office letter No. TPTY/RUB/96 dated 25.09.2021 and 09.02.2021. (Enclosure 2 & 3)
7. And further approached DFO/WLM Division/Tirupati vide ADEN/TPTY office letter dated 16.04.2022. (Enclosure 4)
8. But we have not received any information from them till date. The work is pending on this account.
9. As per Railway board guidelines, Level crossings need to be eliminated on war foot basis to avoid danger to road traffic and running of trains. This level crossing gate is situated on busy railway route of Tirupati-katpadi section. At present the trains are running at 110kmph speed and further this section is identified to raise the speed to 130kmph and proposal is under process.
10. This gate is being crossed by thousands of pilgrims to approach Srivari mettu to visit Tirumala. Level crossing gates are always safety hazard to the road users. Provision of Road under bridge will ensure safe and uninterrupted flow of traffic across railway track.

  
सहायक मंडल इंजीनियर  
Asst. Divl. Engineer  
द.म. रेलवे / S.C. Railwa.  
तिरुपति/TIRUPATI

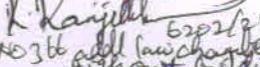
11. I submit that the Department of Railways is always against the cutting of trees, we doing plenty of plantations along the railway track and in colonies. Plantation is the one of the mission item for Railways.
12. I submit that the new plantation is planned in lieu of damaging trees at Chandragiri Railway station yard, where sufficient land is available for plantation.
13. The allegation raised by the as raised by the Applicant for the shifting of RUB to adjacent location is not feasible as the Railway land is not available for construction of Approach roads. Further the shifting of RUB to adjacent location, four blind curves will come in approach road, which will be hazard to the road users.
14. Hence it is requested to Hon'ble court to consider the Railway representation and permit the 3<sup>rd</sup> Respondent to execute the RUB and plantation will be carried out at Chandragiri station in lieu of damaging trees and pass such further or other orders and thus render justice.

  
सहायक वडल इंजीनियर  
Asst. Divl. Engineer  
द.म. रेलवे / S.C. Railway  
तिरुपति/TIRUPATI

Solemnly affirmed at Chennai  
on this the day of January 2023  
and signed his name in my presence  
after reading the contents herein

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\*

BEFORE ME

  
K. Rajitha 6/20/23  
NO 36 All law chambers  
A. Thiruv. Building Chennai-104  
ADVOCATE, CHENNAI

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... Petitioner

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.... Respondents

COUNTER

S.JANARTHANAM  
SENIOR PANEL CENTRAL GOVT  
COUNSEL  
COUNSEL FOR 3<sup>RD</sup> RESPONDENT  
9444088828