

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

ORIGINAL APPLICATION NO. 38 OF 2022

POOLA SURESH

Son of Adhinarayana Poola

3-155, Sree Varu Mettu Road,

Srinivasa Manga Puram, Chandragiri,

Chitoor, Andhrapradesh- 517102

.....

Applicant

-vs-

1. UNION OF INDIA,

Through the Environment Secretary

Ministry of Environment and Forest Government of India.

CGO Complex, Lodhi Road, New Delhi-1100

Paryavaran Bhavan, and 4 others

..... Respondents

COUNTER FILED BY THE 4TH RESPONDENT

DATE- 31-10-2022



**M/s MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

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Counsel for 4TH Respondent

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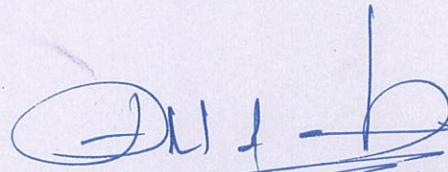
.....Respondents

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1.	29-10-2022	4th Respondent Counter	

It is certified that all the documents contained in the above annexure are true copies.

Date: 29.10.2022


ENVIRONMENTAL ENGINEER
A.P. Pollution Control Board
Regional Office : TIRUPATI

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-vs-

1. Union of India,

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Paryavaran Bhavan,

2. State of Andhra Pradesh,

rep. by its Principal Secretary,

Public Works Department, Secretariat,

Velagapudi, Amaravathi, Guntur District,

Andhra Pradesh

3. The Southern Central Railway

Office of the Divisional Railway Manager

South central railway, Guntakal

4. Andhra Pradesh Pollution Control Board

Rep. by its Secretary Environmental consultant Tirupati,

Andhra Pradesh

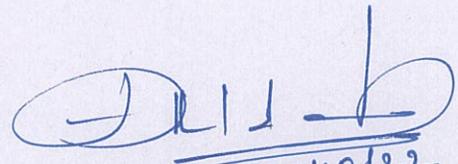
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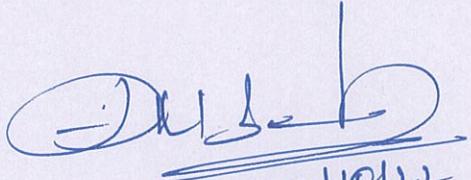
COUNTER AFFIDAVIT FILED BY THE 4th RESPONDENT

I, A. Narendra Babu Son of A. Ranga Reddy aged 45 years occupation Environmental Engineer, A. P. Pollution Control Board, Regional Office, Tirupati, Andhra Pradesh, do hereby solemnly and sincerely affirm and make oath and state as follows:

1. I am the 4th Respondent herein and as such I am well acquainted with the facts of the case.


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ENVIRONMENTAL ENGINEER
A.P. Pollution Control Board
Regional Office : TIRUPATI

2. This respondent denies each and every averment made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein in this counter affidavit.
3. It is submitted that we have inspected the said location on 27.05.2022 and met the railway authorities and they have informed the following.
 - a. The present project is executing by M/s. Indian Railways, Guntakal Division as a part of removing manned level crossing all over the India.
 - b. Presently, M/s. Indian Railways, Guntakal Division have already constructed road under bridge projects at Gate No.97, 98, 99, 100 & 102.
 - c. This is a part of Indian railways for introducing high speed railway transports systems.
4. It is further submitted that, M/s. Indian Railways has not taken up any constructional activity at Railway crossing (Gate No.96). During inspection it was observed that, there are about 20 nos of aged Tamarindus Indica Trees exist on both sides of the road and both ends of the railway track. The present 20ft existing road is leading to Srivari Mettu a pedestrian way to reach holy hills of Tirumala.
5. With regard averments made in paragraph 1 of the affidavit is denied as false. It is submitted that M/s. Indian Railways, Guntakal Division not taken up any. constructional activity at Railway crossing (Gate No.96). But, there is a definite chance for cutting down the Tamarindus Indica Trees during the construction of the Rail under bridge.


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6. With regard averments made in paragraph 2 of the affidavit is denied as false. It is submitted that, the aged Tamarindus Indica Trees exist along the road on both sides may be to the stretch of the proposed project. There is a definite chance for cutting down the Tamarindus Indica Trees during the construction of the Rail under bridge. It is also true that, there will be a lot off wellbeing to the surrounding Environment due to the survival of existing and well grown trees.
7. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional counter in the course of proceedings, if required.

In the above circumstances, it is humbly prayed that this Hon'ble Tirbunal may be pleased to dismiss the above original application No 38 of 2022 and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed at Tirupathi
Andhra Pradesh on
this the 29th day of October, 2022
and signed his name in my presence

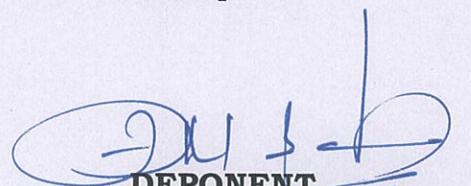
BEFORE ME

Advocate

VERIFICATION

I , A. Narendra Babu son of A. Ranga Reddy aged 45 years occupation Environmental Engineer, A. P. Pollution Control Board, Regional Office, Tirupati do hereby verify that the contents of para's of counter affidavit are based on record and information are true to the best of my knowledge and belief.

Hence, verified on the 29th day of October, 2022 at Tirupathi


DEPONENT
ENVIRONMENTAL ENGINEER
A.P. Pollution Control Board
Regional Office : TIRUPATI