


Note

Sub:-RTI of Shri Manish V Patel Mograwadi Near Railway station Valsad Near Ramesh Guest House Mograwadi -RTI-254

Ref:- Registration No: DFCCIL/R/E/25/00208 dated 07.04.2025

The detailed remarks are tabulated below: -

Sl No	Query in RTI	Reply
1	This RTI is regarding grievance MORLY/E/2025/0007493 filed on 07-03-2025 related to DFCCIL freight track near my house. The track is only 3 meters from my legal residence. This violates the 30-meter distance rule. Continuous train movement is causing damage and danger to life and property. No reply has been received till date. Reminders were sent on 23-03-2025 and 05-04-2025. Still no action.	The house of Shri Manish V Patel is at a distance of 12.55 m from DFC UP line and concrete boundary wall has been constructed at Railway/DFC boundary to ensure safety. As new house has not been constructed within 30m of railway boundary by the resident and the house exists before laying DFC track, NOC is not required. This house was inspected by DFC officials Executive Engg/BL and Jr.Executive Engg/BL and confirmed that no such structural damage has occurred in this house due to train movement.
2	What action has been taken on grievance MORLY/E/2025/0007493?	All reply has been given as per extant rules and regulations of RTI act.
3	Name, Post, and contact of officer responsible for handling this grievance.	The reply of the grievances has been given by CPIO/DFCCIL
4	Was any site inspection or safety audit done? If yes, provide copy of report.	A safety inspection was conducted by qualified DFC officials Executive Engg/BL and Jr.Executive Engg/BL on 07.04.2025. The inspection report is enclosed here with.
5	Was any NOC or legal permission given to place freight track 3 meters from houses? If yes, Provide copy.	The house of Shri Manish V Patel is at a distance of 12.55 m from DFC UP line and 7.55 m distance from Railway/DFCCIL Boundary. As new house or reconstruction of existing building has not been constructed within 30m of railway boundary by the resident and the house exists before laying DFC track, NOC is not required to be obtained by the party from Railway/Local authority.


Y. S. Jha
Exe/Engg/BL

		As per circular No. 2007/LML/19/4 dated 16.05.2008(enclosed for your kind reference), " No new construction of any building or reconstruction of an existing building shall be allowed with in a distance of half the height of the said building from the Railway track boundary ,and in any case at least 3m away from such boundary . Further a 'No objection certificate' from the concerned Railways is required to be submitted by the party to the local authorities for granting permission for the building plans if proposed structure lies between the Railway boundary and the distance of 30m from it"
6	Provide all file, notes, letters, emails, and orders related to this case.	The same can be collected from DFCCIL office, ENGINEERS BUILDING, 1st Floor, Pramuk darshan 4,near Dmart, valsad to Atul road ,pin 396007-Valsad, Gujarat.
7	Under what rule or policy was this track allowed near residential area?	The track has been laid in Railway/DFCCIL land as per extant rules and regulations.
8	Why was no action taken despite two reminders?	This information not available in this office
9	This is a matter of public safety. Request full reply within 30 days as per RTI Act.	All reply given as per extant rules and regulations

The detailed reply of RTI-254 is tabulated above. DPM/Engg/BL is requested to kindly take further necessary action in this matter.

Executive/Engg/BL

The reply of RTI254 is tabulated above.
Dy.CPM/Engg/BL is requested to kindly forward for further process & approval

Dy.PM/Engg/BL

Dy.CPM/Engg/BL

16/5/25

16/05/2025

APIO/Mumbai/N

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Government of India
Ministry of Railways
(Railway Board)

No.2007/LML/19/4

New Delhi Dated: 16.5.2008

General Manager (Engg),
Western Railway, Churchgate, Mumbai

✓ General Manager (Engg),
Central Railway
Mumbai.

Sub: Grant of 'No Objection Certificate' for construction of private buildings in private lands in vicinity of Railway Land in Mumbai Area.

Number of representations have been received by the Board due to denial of issue of 'No Objection Certificate' by the railways to construction of private buildings in private lands in vicinity of Railway Land in Mumbai area including some of the cases where the nearest track is at a considerable distance from the proposed building.

2. It is observed that extant rules on the subject in Mumbai area are governed by provisions in regulation No.29 (8) (ii) of the 'Govt. of Maharashtra, Urban Development Department Development Control Regulations for Greater Bombay-1991' which provides that "...no new construction of any building or reconstruction of an existing building shall be allowed within a distance of half the height of the said building from the Railway track boundary, and in any case at least 3m away from such boundary." Further a 'No objection Certificate' from the concerned railway is required to be submitted by the party to the local authorities for granting permission for the building plans if proposed structure lies between the railway boundary and the distance of 30 m from it.

3. Because the 'Railway Track Boundary' is not defined, problems are arising due to reckoning of horizontal clearance from railway boundary instead of 'Railway Track Boundary' as provided in the regulation No. 29(8)(ii) mentioned above.

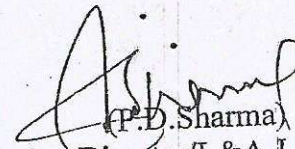
4. Matter has been examined and it has been decided by the Board (ME) that for the purpose of regulation No.29 (8) (ii) of the 'Govt. of Maharashtra, Urban Development Department Development Control Regulations for Greater Bombay-1991' "Railway Track Boundary" be considered to be a horizontal distance of '6m plus height of railway embankment at the point of consideration' from the centre line of the railway track nearest to the proposed building or the actual railway land boundary from the centre line of the railway track nearest to the proposed building whichever is less.

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4.1 The nearest track here will mean the existing track or the proposed track in future if contemplated to be constructed in the near future, nearest to the proposed building. While considering allowance for future track, the railway should not unduly keep such allowance for individual sites when future track is not feasible on that side in view of already existing buildings or structures on either side of the proposed site. Instructions issued under Railway Board letter No.94.LM(L)/14/22 dated 29.8.95 may also be referred to in this regard.

5. It is, therefore, advised that all such cases regarding issue of grant of 'No Objection Certificate' to construction of private buildings in private lands in vicinity of Railway Land in Mumbai area may kindly be dealt with accordingly. While granting 'NOC' railway may ensure that the provisions of para 827(b) of IRWM-2000 are complied with.

6. This is for your kind information and further necessary action. Fresh remarks in the cases earlier referred by Board to railways for comments, may be advised to the Board in view of above directions for further disposal of the same at this end.


(P.D. Sharma)
Executive Director/L&A-I

16.5.08

