

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,  
CHENNAI

Original Application No. 158 of 2021 (SZ)

Between:

Tribunal on its own motion-SUO MOTU based on the  
News item published in the New Indian Express  
Newspaper, Chennai Edition, dated 18.06.2021,  
Under the caption "TS: 3K trees risk being axed for road  
widening project.

... Applicant

AND

1. Union of India,  
Rep. by its Secretary,  
Ministry of Environment and Forests and Climate Change,  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi – 110 003.
2. Ministry of Road Transport and Highways,  
Rep. by its Secretary,  
Room No. 509, Transport Bhawan,  
1, Parliament Street, New Delhi – 110 001.
3. The Chief Secretary to Govt. of Telangana,  
Govt. Secretariat, Tank bund,  
Hyderabad, Telangana – 500 022.
4. The Principal Secretary to Govt. of Telangana,  
Department of Environment, Forests, Science & Technology,  
Govt. Secretariat, Tank bund,  
Hyderabad, Telangana – 500 022.
5. The Chief Secretary & Spl. Chief Secretary to  
Govt. of Telangana, Department of Revenue,  
Govt. Secretariat, Tank bund,  
Hyderabad, Telangana – 500 022.
6. Principal Chief Conservator of Forests (HOFF),  
Telangana Forest Department,  
Room No. 505, Aranya Bhavan, Saifabad,  
Hyderabad, Telangana – 500 022.
7. The District Forest Officer,  
Nirmal District,  
Nirmal Telangana – 504 106.
8. The District Collector,  
Nirmal District, District Collectorate,  
Nirmal – 504 106.
9. National Highways of Authority of India (NHAI)  
Represented by its Chairman,  
G5 & 6, Sector-10, Dwarka,  
New Delhi – 110 075.

  
**A. KRISHNA PRASAD**  
Regional Officer-cum-Highway Administrator  
National Highways Authority of India  
(Ministry of Road Transport & Highways)  
Regional Office, Hyderabad.

10. National Highways Authority of India (NHAI)  
Represented by its Project Director,  
1st Floor, New Buildings,  
Administrative Staff College of India (ASCI),  
College Park Campus Road,  
No.3 Banjara Hills, Hyderabad – 500 034. ... Respondents

**REPLY AFFIDAVIT FILED ON BEHALF OF**  
**RESPONDENT NOS. 9 & 10**

I, A.Krishna Prasad, son of Late A.Nagaiah, aged 54 years, working as Regional Officer, National Highways Authority of India, Hyderabad, do hereby solemnly and sincerely affirm on oath as under:

1. I am working as Regional Officer, National Highways Authority of India, Hyderabad and am well aware of the facts of the case on the basis of official records and also in my official capacity, hence am competent to swear this affidavit before this Hon'ble Tribunal. I am also authorised to swear this reply on behalf of 9<sup>th</sup> and 10<sup>th</sup> respondents.

2. I respectfully submit that this Hon'ble Tribunal while hearing the instant application, after going the press clippings, where it was highlighted that about 3000 trees are to be felled for widening in NH 61 between Nirmal and Khanapur, wherein, the Kanwal Tiger reserve, which is Eco Sensitive Zone, is said to be located in the state of Telangana had taken suo moto cognizance of the issue vide instant application.

3. This Hon'ble Tribunal, on 31.08.2021 after hearing the other respondents and perusing the replies of Respondents and 2 & 6 had made the following observation:

  
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“5. On going through the contentions of the respondents, it is seen that the project proponent is National Highways Authority of India (NHAI) and it is on their request that the Stage - 1 clearance was granted under Section 2 of the Forest (Conservation) Act, 1980. Even after granting the stage-1 permission, the project proponent has to comply with certain conditions and on that basis the State Government will have to issue independent order regarding the same as well.

6. It is not clear from the reply affidavit of the 2nd respondent as well as the 6<sup>th</sup> respondent as to whether any such separate permission after stage-1 approval was granted by the State Government in this regard.

7. So under such circumstances, we feel that it is necessary to implead the National Highways of Authority of India (NHAI) as they are also necessary party to the proceedings. So, National Highways of Authority of India (NHAI) represented by its Chairman, G5 & 6, Sector-10, Dwarka, New Delhi – 110 075 and National Highways Authority of India (NHAI) represented by its Project Director, 1st Floor, New Buildings, Administrative Staff College of India (ASCI), College Park, Campus Road, No.3 Banjara Hills, Hyderabad – 500 034 are impleaded as additional respondents 9 and 10 respectively”.

  
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4. It is respectfully submitted that this Hon'ble Tribunal was of the view that the project Highways is being widened by the NHAI, since the funds of Road Widening is being met by the Ministry of Road Transport and Highways (MoRT&H).

5 In this regard, it is respectfully submitted that the subject National Highway is not part of the road under control of National Highways Authority of India ("NHAI" for short) and NHAI is no way concerned or connected with the widening of the said National Highway, hence, no question of felling trees at the behest of the answering respondents. It is respectfully submitted that the present case is pertaining to the work of "widening and strengthening of existing intermediate lane / two lane to two lane with paved shoulders from Km 678+555 to Km 699+655 of Nirmal to Khanpur Section of NH-61 extended in Nirmal District in the State of Telangana" which is not entrusted to the Chairman of NHAI as the same is being directly executed by the Secretary (RT&H), Respondent No.2, through his Regional Officer, Ministry of Road Transport & Highways, Hyderabad, Telangana. Therefore, respondent No. 9 & 10 have nothing to do with widening of the aforementioned Project Highway. Hence, impleading the 9<sup>th</sup> and 10<sup>th</sup> respondents herein as party to the instant application is not warranted as being unnecessary parties to the issue.

6. It is respectfully submitted that the National Highways Authority of India has been constituted under the National Highways Authority of India Act, 1988 (Act 8 of 1988) with an object to develop, maintain and manage the National Highways entrusted to NHAI by Ministry of Road Transport and Highways (MoRTH), Government of India in the country. The preamble of the Act inter-alia reads as under:

  
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“An Act to provide for the constitution of an Authority for the development, maintenance and management of National Highways and for matters connected therewith or incidental thereto.”

7. The National Highways Authority of India is headed by Chairman and Members with its Head Office at New Delhi and has project implementation units all over the country for implementation of the projects as per the technically approved drawings and one of such Project Implementation Unit (PIU) at Nirmal and is headed by the Project Director and is under administrative control of Regional Office, NHAI, Hyderabad. It is submitted that certain National Highway stretches are being entrusted to NHAI by Ministry of Road Transport and Highways, Government of India for development, widening, strengthening, maintenance and management of these stretches in exercise of its powers u/s.11 of the National Highway Authority of India Act, 1988. This includes widening of existing 2 lanes to 4 lanes, Operation and Maintenance of Project Highways including facilities and amenities for the road users.

8. It is submitted that as already stated in para 5 of this reply, the subject matter of Highways from Nirmal to Khanapur Highway is not under the control of NHAI and in fact it is under the control of Regional Officer, MoRTH, Hyderabad, Telangana and the same is directly executed by themselves. In view of the above facts and circumstances, NHAI has unnecessarily been made party to the instant application probably under assumption that subject Highway is being widened by NHAI which is factually incorrect

  
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9. It is submitted that National Highways Authority of India has neither taken any steps nor sought forest clearance for the diversion of 17.4 hectares (Ha) of forest land, i.e. 12.8 Ha in Nirmal forest division and 4.6 Ha in Khanapur division. The Answering Respondents are also no way concerned with alleged diversion being sought for a stretch of 7.7 kilometers of which trees have to be axed on both sides of the road on a 3.9 km stretch and on one side of a 3.8 km stretch. It is further submitted that the road in question is not part of the road developed or being developed by NHAI and as such Respondents No.9 and 10 are neither concerned nor have any control over the said Highway. I submit that in view of above facts, the Answering Respondents have unnecessarily been made parties to the present proceedings and hence, the answering respondents viz., Suo motto impleaded respondents 9 and 10 be deleted from array of the parties in the instant application.

In view of the facts and circumstances mentioned above, it is therefore, prayed that this Hon'ble Tribunal may be pleased to delete the respondents no 9 and 10 from array of parties in O.A.No 158 of 2021 and this render Justice.



**DEPONENT**

**A. KRISHNA PRASAD**  
Regional Officer-cum-Highway Administrator  
National Highways Authority of India  
(Ministry of Road Transport & Highways)  
Regional Office, Hyderabad.

**VERIFICATION**

I, A.Krishna Prasad, S/o. Late A.Nagaiah, aged 54 years, Occ: Regional Officer, National Highways Authority of India, Hyderabad, do hereby verify the contents of the above reply affidavit are true and correct to the best of my knowledge, belief and basing on the record available.

Verified on this 16<sup>th</sup> day of September, 2021 at Hyderabad.



**DEPONENT**

**A. KRISHNA PRASAD**  
Regional Officer-cum-Highway Administrator  
National Highways Authority of India  
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and others. Respondents

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RESPONDENT NOS. 9 & 10**

**Su.SRINIVASAN (475/1993)**  
Standing Counsel – NHAI  
8072478564

Counsel for Respondents 9 & 10