

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

O.A.No.242 OF 2021

Mr. Teja Balantrapu,
S/o HemachandraBalantrapu,
No.202, Grace des hieghts,
SBI Colony, Baghamberpet,
Hyderabad,
Telangana - 500 013& 2 others.

... Applicants.

-Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Environment, Forest & Climate Change,
Jorbagh, New Delhi.

2. The National Highways Authority of India,
Represented by its Project Director,
No. 25A & 28A, ASCI, College Park Campus,
Road No.3, Banjara Hills, Hyderabad.

...Respondents.

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It is certified that the documents in the index to the typed set papers are true copies of their originals.

DATED AT CHENNAI ON THIS THE 6TH DAY OF JANUARY 2023


Counsel for the Petitioner.

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

O.A. No. 242 of 2021

1. Tejah Balantrapu
S/o. Hemachandra Balantrapu
202, Grace des res heights
SBI Colony, Baghamberpet
Hyderabad – 500 013, Telangana.
2. Pranay Juvvadi
S/o. J. Praveen Rao
1-10-63/4, Chikoti Gardens, Begumpet
Hyderabad – 500 016, Telangana.
3. Natasha Ramarathnam
D/o. Dr. S.Ramarathnam
504, Samala Royale
Street No.4, Begumpet
Hyderabad – 500 016, Telangana. ... Applicants

- Vs -

1. Union of India,
Rep. by its Secretary
The Ministry of Environment, Forests and Climate Change
Jorbagh, New Delhi.
2. The National Highways Authority of India
Rep. by its Project Director
No.25A & 28A, ASCI, College Park Campus
Road No.3, Banjara Hills, Hyderabad. Respondents

STATUS REPORT FILED BY THE 2nd RESPONDENT

I, P. Nageswara Rao, S/o. Late P. Choudary, aged about 55 years, National Highways Authority of India, PIU, Hyderabad, Rep by its Project Director having office at Qtr. no. 25A and 28A, Administrative Staff College of India, Road No. 3, Banjara Hills, Hyderabad - 500 034 do hereby solemnly affirm and sincerely state as follows:

I am holding the post of Project Director, National Highways Authority of India, Project Implementation Unit, Hyderabad, the second respondent herein and am well acquainted with the facts of the case from the relevant files and records as such competent to file this reply.

1. It is respectfully submitted that vide order dated 14.09.2022, this Hon'ble Tribunal has directed the Respondent No. 2 to come out with the final solution by which the existing trees will not be disturbed keeping in view to consider the re-aligning of the road or have a parallel road without disturbing the trees if that may involve further acquisition of the land, let that also be considered by the authorities, yet other option is that on the stretch the width of the carriage way can be restricted. It is respectfully submitted that in view of the order of this Hon'ble Tribunal, the Respondent No. 2 herewith submits that:

A. Brief background

- i. As per the F.No. RW/NH-33044/37/2015/S&R(R) dated 26.05.2016 (**Annexure 1**) the conversion of two lane to four lane is mandatory as the capacity augmentation of National Highways must be upgraded with paved shoulders before the end of the design life so that by the time the threshold capacity of the road is reached, the four lane highway should already be constructed.
- ii. As per the above said notification, upgradation to four lanes will trigger when the PCUs crosses 10,000 per day in the plains.
- iii. In the present case, as the PCUs have already crossed the threshold limit, i.e., 10,355 in the year 2015 itself on Hyderabad-Manneguda stretch of the Warangal-Bhijapur road on NH-163. This was further increased to 14470 PCUs in 2020 which is about 45% in excess of the threshold limit. This makes the Respondents to inevitably go for the expansion from 2 lane to 4 lane Highway on NH-163.
- iv. It was also reported that many accidents are taking place on this road from Hyderabad-Manneguda due to the heavy vehicular traffic flow and shouldering of the vehicles coming in opposite direction. It

is also the case that this road has many bents and steep curves with the serpentine shape.

- v. As per the report submitted by the local police authorities, the no of accidents on the stretch in 2021 is about 240 which resulted in 38 fatal accidents, 46 deaths and 441 other kinds of injuries. **(Annexure 2)**
- vi. Though the National Highway up to Bhijapur is an long stretch, but it was decided to upgrade only 4-laning upto Manneguda, which is about 46.405 kms stretch. The traffic flow after Manneguda-Bhijapur is very less due to division of the road into two separate lanes from Manneguda that leads into two different directions.
- vii. It was also observed that there are many sub-standard horizontal and vertical curves, existing along the alignment and certain curves are observed to have insufficient sight distance. The same was described at 0.4 of the feasibility report. **(Annexure 3)**
- viii. It was also observed that there are 21 existing culverts in the stretch which are in very poor condition whereas the original requirement assessed is 91, which are going to be constructed in this project. It is further stated that about 10 vehicular under pass (VUP), 8 LVUP and minor bridges are also proposed in the project road.
- ix. Keeping the environment in mind, no widening is proposed at Mrugavani National Park. The environmental laws were also borne in mind while preparing the feasibility study which reflects at table 6-8 in the feasibility report.
- x. The land use reflects that about 90% of the open land is available in the stretch. It was observed that due to the existing heavy traffic flow, because of the noise and the vibration, hardly any species is available on the trees, which are on either side of the road and it appears most of them have migrated into the immediate neighboring trees which are abundantly available. It was also found that the life of the trees on either side of the road is comparatively less to that of the trees in the immediate neighborhood.

- xi. The mitigation and enhancement measures have also been mentioned at 6.14 of the feasibility report.
- xii. As per the latest reports there are about 759 banyan trees are existing on the either side of the road.

2. For the above said reasons, particularly mentioned from i to VIII it has become mandatory on part of the Respondent No. 2 to upgrade the Highway from 2-lane to 4-lane. The Respondent No. 2 has got the feasibility report and the road design was made in the best possible way keeping in view of the human life, ecology and other factors. The NHAI is left with no option but to widen the road.

B. Options explored on the orders of this Hon'ble Tribunal

The Respondent No. 2 has explored various options and have also made enquiries with regard to the similar situations that arose previously and the remedies that were opted in such cases, as per the directions of this Hon'ble Tribunal with regard to

- 1) To consider re-aligning the road
 - 2) Having parallel road without disturbing the trees
 - 3) Further acquisition of the land if required
 - 4) Stretch and width of the carriage way can be restricted
- A. As far as the alignment and re-alignment is concerned, it was decided to lay the road in such a manner on account of the eccentric laying where ever it is possible, by which certain trees can be saved. In view of this, the Highway is re-aligned in the eccentric manner wherever there is a possibility which is resulting in the **non-axing of 209 number of trees.**
- B. It is respectfully submitted that as far as the laying of the parallel road is concerned, it is not possible to go with the same as the entire road has serpentine shape and most of the neighboring land is either in the catchment area or in the forest area.
- C. It is respectfully submitted that further acquisition of land is not possible due to legal issues.

- D. It is respectfully submitted that the restriction of the Carriage Way is not possible in view of the heavy traffic flow, accidents that are taking place and as per the guidelines stated in Para3(A) (i). The Respondent No. 2 herein very much agreed where the contention of the Petitioner that the said Highway is with many bents and steep curves. One of the outcomes of laying this Highway will straighten these hairpin bends and curves into a straight line. It is further submitted that in the stretch from Hyderabad to Bhijapur, there are number of villages which have to invariably use this particular Highway to reach the neighboring villages or to the Hyderabad or Bhijapur. **(Annexure 4)**

C : The main contention of the Petitioner is regarding the:

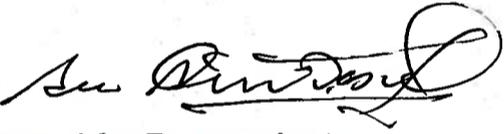
1. Safety of the Banyan trees
 2. Deleterious Impact
 3. Ecological Value
 4. Banyan function as keystone
 5. Micro-Climate of the area
 6. Preventing the creation of heat islands
- i. In view of the above, the NHAI has consulted various experts requesting them to provide the alternate solution to National Highway. In this process, it was found that there are a number of trees including the Banyan trees which are 759 only in number and not 1036.
- ii. It was also found that out of these 759 numbers of Banyan trees, hardly few of the trees are having big trunk and huge branches and whereas about 90% of the trees in size are as good as that of any other tree. **(Annexure 5)** In view of saving these Banyan trees, the NHAI has two alternatives:
- (a). Laying of the Highway where ever it is feasible to make it eccentric from concentric
 - (b). Translocation of the Banyan trees
3. On translocation of the trees the NHAI has previous experience of translocating the trees including the Banyan trees on Hyderabad to Srisailam National Highway on which the translocated Banyan trees have survived and whose pictures are attached herein **(Annexure 6)**. Hence, it was found that

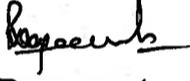
the best option and alternative is translocating of the Banyan trees. It is further submitted that if these banyan trees or other trees are left in as and very condition the trees may die on their own with the reduced lifespan due to the vibrations and the sound pollution. Hence, it is always better to translocate these trees to the immediate neighboring areas and save them. As far as the deleterious impact, ecological value, micro climate and creation of heat islands are concerned, there is no much impact in view of the mitigation it can be observed that there is no such deleterious impact in view of the mitigation measures taken up as cited at Para No. 6.14 of the feasibility report which says the compensatory plantations and payment of NPV.

4. It is also respectfully submitted that an environmental budget is also provided for mitigating any kind of loss.

Therefore, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the above O.A. No. 242 of 2021 and pass such further or other orders and thus render justice

Hyderabad
Dated at on this the 30th day of December 2022


Counsel for Respondents

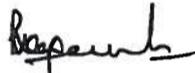

Deponent

PROJECT DIRECTOR
NATIONAL HIGHWAYS AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT
HYDERABAD - 500 034.

VERIFICATION

I, P. Nageswara Rao, S/o. Late P. Choudary, aged about 55 years, National Highways Authority of India, PIU, Hyderabad, Rep by its Project Director having office at Qtr. no. 25A and 28A, Administrative Staff College of India, Road No. 3, Banjara Hills, Hyderabad-500 034 do hereby verify on behalf of the respondents that the contents of the above paragraphs are true to the best of my knowledge and that I have not suppressed any material facts.

Verified at Chennai this the ¹⁵30th day of December 2022


Deponent

**PROJECT DIRECTOR
NATIONAL HIGHWAYS AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT
HYDERABAD - 500 034.**