

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Application No. 242 of 2021 (SZ)

Tejah & Ors

... Applicant

Versus

MoEF &CC & anr

...Respondent

Memo dated 13.02.2023 filed by the Applicant

The applicant respectfully submits as follows:

1. The applicant had filed a detailed memo dated 31.01.2023 inter alia producing evidence to show that the land on either side of the existing road is predominantly vacant lands with compound walls, small extent of land with Mango trees and agricultural lands with mustard cultivation.
2. The contention that all other areas are catchment or forests is patently false and GO 111 does not prohibit the construction of roads – if it does, then the respondent's present alignment will also be hit by the same prohibition.
3. The contention of NHAI that their decision is final in so far as alignment is concerned is without merit – the judgment of courts holding so are not in the context of protection of a unique ecosystem like the present, which can be saved if alternatives are considered.
4. A reading of the feasibility report would prove beyond all doubt that the report did not consider the unique environmental setting of the subject stretches, the ecological value of the banyan trees and their ecosystem services and it is not as if several other alternatives to widening the subject road was considered i.e considering the viability of other alignments to avoid felling of Banyans etc. The present alignment is NOT the LEAST ENVIRONMENTALLY & ECOLOGICALLY DELETERIOUS route that was adopted by NHAI – they decided to widen the road irrespective of the ecological cost and without consideration of the impacts of such a decision. NHAI's entire exercise before this Hon'ble Tribunal was not to find alternatives to save the Banyans on a few stretches but to try and stick to their original proposal which was decided based on a feasibility report that never considered the impact of the project on this unique ecosystem.
5. It is submitted that such arbitrary decision making sans environmental and ecological considerations cannot be countenanced – the law demands that such "development" projects comply with the principles of sustainable development and eco-centric principles.

6. As submitted in the previous memo and seen from the respondent's own diagrams, the stretches with Banyan trees on this 46 km long project road is around 15 km and the principle of eco-centrism & sustainable development demands that these old Banyans be accorded their importance and NHAI be directed to consider alternative routes to avoid felling these banyans only on the approximately 15 km long stretches of the road.

It is therefore prayed that this Hon'ble Court may be pleased to record these submissions and pass necessary orders as may be fit, proper and necessary in the facts and circumstances of the case and thus render justice.

Dated this the 13th day of February, 2023 at Chennai



Counsel for the Petitioner