

Before The National Green Tribunal (SZ) Chennai

O.A. No. 185 of 2025

Prathibha. R Bengalure and Anr

...Applicant

Versus

UOI, represented by its Secretary to Govt,
MOEF and CC New Delhi & Ors

...Respondents

Typed set filed by Brihat
Bengaluru Mahanagara Palike-
Respondent No.2

SI No:	Date	Parties	Description	Page No
1.	15.09.2025	Dr.Adikesav alias Ravindra other Vs State of Karnataka and others	Affidavit filed in W.P. No.28664 of 2025 High Court of Karnataka	1 to 87
2.	15.10.2025	Prakash Belawadi Vs State of Karnataka and others	W.P.No.31626	88 to139

Dated at Chennai on this the 1st day of November 2025.



Counsel for Respondent No.2

**BEFORE THE HON'BLE HIGH COURT OF KARNATAKA,
AT BANGALORE**

(ORIGINAL JURISDICTION)

W. P. No. _____/2025 (PIL)

BETWEEN

DR. ADIKESAVALU RAVINDRA & ORS ... **PETITIONERS**

AND

STATE OF KARNATAKA & ORS ... **RESPONDENTS**

SYNOPSIS AND LIST OF DATES

1. The present Public Interest Litigation is filed challenging the arbitrary, exclusionary and economically unjustifiable manner in which the Respondents have initiated the bidding process for the proposed Bangalore Twin Tunnel Road Project ("**Project**"). The Project, estimated at nearly Rs. 17,780 crores, has been advanced without lawful appraisal of its economic viability, social impact, or constitutional validity. The Petitioners, as concerned citizens, submit that the Project represents a wasteful deployment of scarce public resources and an unjustifiable financial burden on ordinary road users.

2. The Petitioners are before this Hon'ble Court challenging the tender Notification bearing No. BSMILE/SE/TEND/03/2025-26 dated 14.07.2025 issued for the Bangalore Twin Tunnel Project ("**Impugned Project**"), by Respondent No. 1 & 2 (erstwhile Bruhat Bengaluru Mahanagara Pallike) and also the existing Feasibility Study (December 2024) and the Detailed

project (DPR) dated February 2025 and March 2025, prepared by Respondent No. 6 & 7 for and on behalf of Respondent No. 1 & 2. It is submitted that the Impugned Project is presently at the stage of bidding and tendering. It is submitted that the Impugned Project is a 16.7 km twin-tube underground tunnel project from Hebbal to Central Silk Board, with eight entry and eight exit ramps. The Impugned Project has been advanced in flagrant violation of the law.

3. The Detailed Project Report ("DPR") prepared and ostensibly revised by Respondent No. 6, and ostensibly based on the Feasibility Report prepared by Respondent No. 7, has been prepared in undue haste and suffers from glaring factual inaccuracies, including references to locations in Maharashtra, absence of site-specific geological, hydrological and biodiversity studies and a flawed traffic model that excludes two-wheelers and auto-rickshaws constituting 70% of Bengaluru's vehicular composition. Even on its own assumptions, the DPR concedes that major junctions will remain at saturation levels post-construction of the Tunnel Road. It is pertinent to note that Respondent No. 6, has placed on record two documents both titled "Detailed Project Report", one bearing the date February 2025 and the other March 2025. The February 2025 version contains additional pages and sections that do not appear in the March 2025 version, yet the tender dossier enclosed only the March 2025 document. This gives rise to certain inescapable inferences wherein it seems that upon receipt of the February 2025 report, specific references or analyses therein were found unacceptable to Respondent Nos. 1 and 2,

resulting in deletions or alterations and the subsequent circulation of the shorter March 2025 version with the tender. However, the mystery of the two versions of the DPR remains unsolved to this date. Notwithstanding these defects, the Government of Karnataka, i.e., the Respondent No. 1, has approved the project, constituted a Special Purpose Vehicle ("B-SMILE"), and initiated the tender process under a modified Build-Own-Operate-Transfer (BOOT) model with a 34-year concession period extendable by an additional 10 years in the event of toll-revenue shortfall. The Impugned Project envisages imposition of exorbitant tolls exclusively on cars, while dropping the dedicated bus lanes as mandated in CMP and privileging private car usage, thereby creating a discriminatory "Expressway for the elite, which is in complete violation of Article 14 of the Constitution of India."

4. It is submitted that the Impugned Project has been advanced in a manner that is patently contrary to law. First, it deliberately circumvents the mandatory requirement of Environmental Impact Assessment (EIA) and prior environmental clearance under the Environment (Protection) Act, 1986 read with the EIA Notification, 2006. The Respondents No. 2 have sought to artificially classify the Project as "exempt" on the ground that it is a tunnel and not a highway, thereby reducing the EIA framework to a dead letter. The same is legally untenable, for a project of this magnitude spanning 16.7 km, involving massive excavation, construction of shafts and ramps, and diversion of stormwater drains which squarely falls within the definition of an activity having significant

environmental impact, and hence necessarily attracts the precautionary principle.

5. It is further submitted that the advancement of the Project without approval of the Bengaluru Metropolitan Land Transport Authority (BMLTA) under the BMLTA Act, 2022, and without scrutiny by the Bengaluru Metropolitan Planning Committee (BMPC) under Article 243ZE of the Constitution, renders it constitutionally and statutorily infirm. Both these bodies are vested with overriding jurisdiction to evaluate mobility projects for consistency with the Comprehensive Mobility Plan and integrated urban development. Circumventing their authority amounts to a colourable exercise of power.

6. It is submitted that the Project violates the public trust doctrine under Article 21 of the Constitution, by spending scarce public resources for a discriminatory, car-centric facility that privileges an affluent minority, while exposing the city to long-term fiscal and ecological harm. Additionally, the Impugned Project violates Article 14. The access scheme to the tunnel and the overall design creates an arbitrary classification among urban commuters. The tunnel is restricted to cars and taxis, while two-wheelers, auto-rickshaws and buses are altogether barred. This creates an arbitrary classification among similarly placed urban commuters. It lacks any intelligible differentia that bears a rational nexus to the stated aims of decongestion, safety, or cost recovery. Excluding two-wheelers and auto-rickshaws, which account for a substantial share of peak-hour trips, cannot reduce congestion on the

network. Further, removing buses from using this tunnel road is arbitrary and defeats the stated objective of decongestion. A single bus carries dozens of passengers in the lane space of a few cars; excluding buses, therefore, forces the same passengers onto the surface network or into multiple cars, which increases traffic rather than reduces it. Permitting cars while prohibiting buses thus bears no rational nexus to decongestion or safety and amounts to unequal treatment of similarly placed commuters, violating Article 14.

7. Secondly, even within this exclusionary scheme, only car users are permitted and are further subjected to heavy tolls. The project is thus designed as an intra-city facility that confers exclusive access on private cars while imposing a steep, recurring financial burden on those users, despite their existing contributions through motor vehicle tax, road tax and fuel levies. A public infrastructure that is conceived and executed primarily for the benefit of a single, affluent mode, while excluding mass and para-transit and low-income modes, fails the test of reasonableness, undermines the public purpose of urban mobility planning, and violates the principles of equality and proportionality under Article 14. It also runs contrary to the public trust obligation of the State to allocate scarce right-of-way in a manner that maximises mobility for the greatest number through public transport and non-motorised modes, rather than privileging private cars.

8. It is submitted that the Project scope has arbitrarily included building commercial complexes in the garb of

"intermodal hubs" at all the shaft locations, which generates additional new vehicle trips than the tunnel road purports to remove from the existing road network.

9. It is further submitted that proceeding without the safeguards, as pleaded in the grounds, violates Article 21 and the public trust doctrine. Large-scale excavation and tunnelling in this corridor threaten aquifers, stormwater drains and floodplains, risk long-term tree loss and urban-heat impacts, and heighten disaster vulnerability, thereby impairing the right to life, health and a clean environment. The State, as trustee of natural resources and urban commons, is bound to apply the precautionary principle and intergenerational equity. Advancing a car-centric tunnel without transparent risk assessment or mitigation breaches that fiduciary duty and is liable to be interdicted.

10. Therefore, the intervention of this Hon'ble Court is imperative to halt an unlawful, car-centric project that risks irreversible environmental harm and waste of public funds. The Petitioners therefore seek appropriate writs to quash the tender and all consequential steps, and to restrain any further action by the Respondents. Such relief alone will protect citizens and the public exchequer, and ensure the State does not profit or proceed at the cost of its people.

SL. No	DATE	EVENT DESCRIPTION
1.	June - Sep 2023	BBMP issued an Expression of Interest (EOIs) for feasibility study; received no response
2.	Oct 2023	BBMP floats Request for Proposal (Rfp) for feasibility study (tunnel corridor not initially included, later added post "reconnaissance survey")
3.	May 2024	Government of Karnataka hastily announced the Bangalore Twin Tunnel Road Project without credible technical assessment of BMLTA during a speech
4.	06.09.2024	MoRTH issued letter to all State Chief Secretaries to constitute expert panels for tunnel projects after Silkyara tunnel incident
5.	24.10.2024	MoRTH issued "Checklist for submission of Proposal of Tunnel Projects for Technical Review" mandating Environmental Clearance under EIA Notification, 2006
6.	26.11.2024	SEIAA Karnataka issued Letter No. SEIAA 80 MISC 2024 stating tunnel project does not require environmental clearance under EIA Notification, 2006
7.	23.12.2024	RTI Application filed by Applicant No. 2 seeking records of "consultation meeting" referred in Project Approval Certificate; no reply within statutory period

8.	06.02.2025	Representation sent to Union Minister for Environment, State Minister, and senior officials urging EIA for Tunnel Road Project
9.	17.02.2025	IISc study by Prof. Ashish Verma presented on mobility and emissions impacts of Tunnel Road and flyovers
10.	18.02.2025	First Appeal filed by Applicant No. 2 before First Appellate Authority for non-response to RTI dated 23.12.2024
11.	March 2025	Project publicly announced in State Budget Speech; CM declares government guarantee for funding; SPV creation announced
12.	March 2025	Rodic Consultants released final DPR after 3 months preparation containing multiple errors and missing studies
13.	11.07.2025	Representation sent to Karnataka Horticulture Secretary regarding risks to Peninsular Gneiss geo-heritage site
14.	15.07.2025	Tender documents for the project released for public viewing
15.	01.08.2025	Last date for submission of pre-bid queries
16.	05.08.2025	RTI reply provided DULT's review of Feasibility Study noting conflict with public transport policy goals

17.	02.09.2025	Last date for submission of bids
18.	04.09.2025	Technical bids scheduled to be opened

PLACE: BENGALURU
DATE: 15.09.2025

ADVOCATE FOR PETITIONERS

**BEFORE THE HON'BLE HIGH COURT OF KARNATAKA,
AT BANGALORE**

(ORIGINAL JURISDICTION)

W. P. No. _____/2025 (PIL)

BETWEEN

1. **DR. ADIKESAVALU RAVINDRA,**
Son of B.N Adikesavalu, aged 82
years and residing at 470, 9th Main
Road, HAL 2nd stage, Indiranagar,
Bengaluru - 560038
2. **VINOD VYASULU,**
Son of Late Kuchibhotla Vyasulu,
aged about 78 years, Residing at CT
2 GR Grand Residency Kanakapura
road 6th phase JP Nagar Jarganhalli,
Bengalure 560078
3. **N S MUKUNDA**
Son of Late N S Rao, aged 78 years
and residing at #11/94, SF1,
Shanti Sampurna
Apartment, Model House Street,
Basavanagudi, Bengaluru 560 004. ... **PETITIONERS**

AND

1. **STATE OF KARNATAKA**
Vidhana Soudha, Dr. Ambedkar
Veedhi, Bengaluru - 560001,
Represented by Chief Secretary to
the Government
2. **GREATER BENGALURU AUTHORITY
(GBA)**
N.R Square, Bengaluru, Karnataka
560002

Represented herein by, Chief
Commissioner

3. **STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY (SEIAA) –
KARNATAKA,**
Department of Forest Ecology and
Environment, Room number 709, 7th
Floor 4th Gate MS Building,
Bangalore – 56001.
Represented by Member Secretary
SEIAA Karnataka, (Ecology and
environment)
4. **DIRECTORATE OF URBAN LAND
TRANSPORT (DULT)**
4th Floor, BMTC TTMC 'B' Block,
Kengal Hanumanthaiah Rd, above
bus stand, NGO Colony, Shanti
Nagar, Bengaluru, 560027
Represented herein by,
Commissioner
5. **BENGALURU SMART INFRASTRUCTURE
LIMITED (B-SMILE)**
301, 3rd Floor, UNI Building, Vasant
Nagar, H.K.P. Road Bangalore
Karnataka India 560051
Represented by the Directors
6. **RODIC CONSULTANTS PVT LTD.**
AIWC Building, 1st Floor, 6 Sarojini
House, Agha Khan Hall, Bhagwan
Dass Road, New Delhi – 110001
Represented by its Directors
7. **ALTINOK CONSULTING ENGINEERING
PVT LTD.**
245, 2 Floor, D21 Corporate Park
Dwarka Sector 21, New Delhi -
110077
Represented by its Director

... RESPONDENTS

**MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA**

The Petitioners above named most respectfully submit as follows:

1. The Petitioners are before this Hon'ble Court challenging the tender Notification bearing No. BSMILE/SE/TEND/03/2025-26 dated 14.07.2025 issued for the Bangalore Twin Tunnel Project ("**Impugned Project**"), by Respondent No. 1 & 2 (erstwhile Bruhat Bengaluru Mahanagara Pallike) and also the existing Feasibility Study (December 2024) and the Detailed project (DPR) dated February 2025 and March 2025, prepared by Respondent No. 6 & 7 for and on behalf of Respondent No. 1 & 2. It is submitted that the Impugned Project is presently at the stage of bidding and tendering. It is submitted that the Impugned Project is a 16.7 km twin-tube underground tunnel project from Hebbal to Central Silk Board, with eight entry and eight exit ramps. The Impugned Project has been advanced in flagrant violation of the law.

2. The Detailed Project Report ("DPR") prepared and ostensibly revised by Respondent No. 6, has been prepared in undue haste and suffers from glaring factual inaccuracies, including references to locations in Maharashtra, absence of site-specific geological, hydrological and biodiversity studies and a traffic model that excludes two-wheelers and auto-rickshaws, constituting 70% of Bengaluru's vehicular composition. Even on its own assumptions, the DPR concedes

that major junctions will remain at saturation levels post-construction. It is pertinent to note that Respondent No. 6, has placed on record two documents both titled "Detailed Project Report", one bearing the date February 2025 and the other March 2025. The February 2025 version contains additional pages and sections that do not appear in the March 2025 version, yet the tender dossier enclosed only the March 2025 document. This gives rise to certain inescapable inferences wherein it seems that upon receipt of the February 2025 report, specific references or analyses therein were found unacceptable to Respondent Nos. 1 and 2, resulting in deletions or alterations and the subsequent circulation of the shorter March 2025 version with the tender. However, the mystery of the two versions of the DPR remains unsolved to this date. Notwithstanding these defects, the Government of Karnataka, i.e., the Respondent No. 1, has approved the project, constituted a Special Purpose Vehicle ("B-SMILE"), and initiated the tender process under a Build-Own-Operate-Transfer (BOOT) model with a 34-year concession period. The Impugned Project envisages imposition of exorbitant tolls exclusively on private commuters, while dropping dedicated bus lanes and privileging private car usage, thereby creating a discriminatory "Expressway for the elite, which is in complete violation of Article 14 of the Constitution of India."

3. It is submitted that the Impugned Project has been advanced in a manner that is patently contrary to law. First, it deliberately circumvents the mandatory requirement of Environmental Impact Assessment (EIA) and prior

environmental clearance under the Environment (Protection) Act, 1986 read with the EIA Notification, 2006. The Respondents No. 2 has sought to artificially classify the Project as "exempt" on the ground that it is a tunnel and not a highway, thereby reducing the EIA framework to a dead letter. The same is legally untenable, for a project of this magnitude spanning 16.7 km, involving massive excavation, construction of shafts and ramps, and diversion of stormwater drains which squarely falls within the definition of an activity having significant environmental impact, and hence necessarily attracts the precautionary principle.

4. It is further submitted that the advancement of the Project without approval of the Bengaluru Metropolitan Land Transport Authority (BMLTA) under the BMLTA Act, 2022, and without scrutiny by the Bengaluru Metropolitan Planning Committee (BMPC) under Article 243ZE of the Constitution, renders it constitutionally and statutorily infirm. Both these bodies are vested with overriding jurisdiction to evaluate mobility projects for consistency with the Comprehensive Mobility Plan and integrated urban development. Circumventing their authority amounts to a colourable exercise of power.

5. It is submitted that the Project violates the public trust doctrine under Article 21 of the Constitution, by misprioritizing spending of scarce public resources for a discriminatory, car-centric facility that privileges an affluent minority, while exposing the city to long-term fiscal and ecological harm. The impugned project, besides negatively impacting the viability

and delaying the building of the earlier planned Phase 3a metro on the same corridor, also violates Article 14. The tunnel is restricted to cars and taxis, while two-wheelers and auto-rickshaws are barred, and there is ambiguity about buses as the bus lane has been removed. This creates an arbitrary classification among similarly placed urban commuters. It lacks any intelligible differentia that bears a rational nexus to the stated aims of decongestion, safety, or cost recovery. Excluding two-wheelers and auto-rickshaws, which account for a substantial share of peak-hour trips, cannot reduce congestion on the network. Further, removing bus lanes/buses from using this tunnel road is arbitrary and defeats the stated objective of decongestion. A single bus carries dozens of passengers in the lane space of a few cars; excluding buses, therefore, forces the same passengers onto the surface network or into multiple cars, which increases traffic rather than reducing it. Permitting cars while prohibiting two-wheelers, autos and buses thus bears no rational nexus to decongestion or safety and amounts to unequal treatment of similarly placed commuters, violating Article 14.

6. Secondly, even within this exclusionary scheme, where only car users are permitted they too are further subjected to heavy tolls. The project is thus designed as an intra-city facility that confers exclusive access to private cars while imposing a steep, recurring financial burden on those users, despite their existing contributions through motor vehicle tax, road tax and fuel levies. A public infrastructure that is conceived and executed primarily for the benefit of a single, affluent mode,

while excluding mass and para-transit and low-income modes, fails the test of reasonableness, undermines the public purpose of urban mobility planning, and violates the principles of equality and proportionality under Article 14. It also runs contrary to the public trust obligation of the State to allocate scarce right-of-way in a manner that maximises mobility for the greatest number through public transport and non-motorised modes, rather than privileging private cars and that too the affluent car owners.

7. It is further submitted that proceeding without the safeguards, as pleaded in the grounds, violates Article 21 and the public trust doctrine. Large-scale excavation and tunnelling in this corridor threaten aquifers, stormwater drains and floodplains, risk long-term tree loss and urban-heat impacts, and heighten disaster vulnerability, thereby impairing the right to life, health and a clean environment. The State, as trustee of natural resources and urban commons, is bound to apply the precautionary principle and intergenerational equity. Advancing a car-centric tunnel without transparent risk assessment or mitigation breaches that fiduciary duty and is liable to be interdicted.

8. In these circumstances, it is submitted that the impugned Project, if not interjected at this preliminary stage, will irreversibly bind the city and its citizens to decades of environmental degradation, fiscal imprudence, and mobility inequity.

BRIEF DESCRIPTION OF THE PETITIONERS:

9. The Petitioner No. 1, Dr. Adikesavalu Ravindra, is a distinguished former civil servant who retired as Chief Secretary to the Government of Karnataka in 2002 after serving in key positions such as Commissioner of BBMP, Chairman of BDA, and Managing Director of Karnataka Power Corporation. He holds a Ph.D. in Development Studies and has specialised in the urban sector. He was instrumental in initiating the Cauvery Water Supply Scheme (Stage IV) and the Bangalore Metro Rail Project, and introduced the Self-Assessment Scheme for property tax, a landmark governance reform in Bengaluru. He also pioneered civic platforms such as *Swabhimana* to strengthen citizen participation in urban governance. Post-retirement, he has served as Deputy Chairman of the Karnataka State Planning Board, Senior Visiting Fellow at IIM Bangalore, and currently heads the Centre for Sustainable Development, a non-profit dedicated to sustainable urban development.

10. The Petitioner No. 2, Mr. Vinod Vyasulu, is a noted academic and policy expert who earned his Ph.D. from the University of Florida, after completing his Master's at the Delhi School of Economics and B.A. (Hons) from St. Stephen's College, Delhi. He has taught at premier institutions, including IIM Bangalore and XLRI Jamshedpur, and has held leadership roles such as Director of the Institute of Public Enterprise, Hyderabad, and the Centre for Budget and Policy Studies, Bangalore. He has served as RBI Chair Professor at the Institute

for Social and Economic Change, Economic Adviser at the National Small Industries Corporation, and Professor & Vice Dean at Jindal School of Government and Policy. He had previously served as President of the Centre for Budget and Policy Studies, Bangalore, and is widely recognised for his contributions to public finance, governance, and policy research.

11. The Petitioner No. 3, Mr. N S Mukunda, is an Electrical Engineer from UVCE, Bengaluru, with over 45 years of professional experience as an entrepreneur. For the past 25 years, he has been actively engaged in civic activism and has participated in addressing several issues concerning Bengaluru, including matters relating to property tax, the Akrama Bill, and other civic concerns. Guided by the belief that citizens must also offer constructive solutions to civic problems, he has consistently worked towards improving urban governance.

BRIEF DESCRIPTION OF THE RESPONDENTS:

12. The Respondent No. 1, State of Karnataka, is represented by its Chief Secretary and is responsible for governance of the State and sanction of large-scale infrastructure projects including the impugned Bangalore Twin Tunnel Project.

13. The Respondent No. 2, Greater Bengaluru Authority ("GBA"), represented by its Chief Commissioner, is the statutory authority that has replaced the erstwhile Bruhat Bengaluru Mahanagara Palike ("BBMP") pursuant to the enactment of the *Greater Bengaluru Governance Act, 2024*.

The said Act came into effect on 15.05.2025 by way of a Notification issued by the Government of Karnataka dated 14.05.2025.

14. The Respondent No. 3, Bangalore Smart Infrastructure Ltd. ("B-SMILE"), is a Special Purpose Vehicle (SPV) constituted by the State of Karnataka and BBMP for implementation of major infrastructure projects, including the proposed Bangalore Twin Tunnel Project.

15. The Respondent No. 4, State Environment Impact Assessment Authority ("SEIAA") Karnataka, is a statutory authority under the Ministry of Environment, Forest and Climate Change, Government of India, responsible for appraisal of projects and granting prior Environmental Clearance (EC) within the State of Karnataka.

16. The Respondent No. 5, Directorate of Urban Land Transport ("DULT"), is the State Government authority mandated to oversee planning, regulation, and coordination of urban mobility and land transport initiatives in Karnataka, with a view to ensuring sustainable urban transport systems and integration with broader city development plans.

17. The Respondent No. 6, Rodic Consultants Pvt. Ltd., is a private consultancy company engaged for preparation of the Detailed Project Report (DPR) for the Bangalore Twin Tunnel Project.

18. The Respondent No. 7, Altinok Consulting Engineering Pvt. Ltd., is an engineering consultancy firm engaged for preparation of the feasibility study for the Bangalore Twin Tunnel Project.

BRIEF FACTS:

19. It is submitted that Respondent No. 2, Greater Bengaluru Authority (erstwhile BBMP) has proposed a project titled "**Bangalore Twin Tunnel Road**", envisaging the construction of a 16.745 km long, two-lane, underground twin-tube tunnel road from Hebbal Esteem Mall Junction to Central Silk Board KSRP Junction, with eight entry and eight exit ramps, to be executed under a modified Build-Own-Operate-Transfer (BOOT) model with a concession period of 34 years extendable by an additional 10 years in the event of toll revenue shortfall Respondent No. 2 issued the Tender Notification dated 14.07.2025 bearing No. B-SMILE/SE/TEND/03/2025-26 inviting global bids for appointment of a private concessionaire. A copy of the Tender Notification dated 14.07.2025 bearing No. B-SMILE/SE/TEND/03/2025-26 is produced herewith as **Annexure-A.**

20. It is submitted that, to initiate the Impugned Project, Expressions of Interest were issued for a feasibility study during June-September 2023, which drew no response; thereafter, in October 2023, a Request for Proposal was floated for the feasibility study, with the tunnel corridor not initially included and later added post a reconnaissance survey. A copy of the

Expressions of Interest is annexed herewith as **Annexure – B**. A copy of the Request for Proposal is annexed herewith as **Annexure – C**. It is submitted that, Respondent No. 7, i.e., Altinok Consulting Engineering Inc., an international engineering consultancy was engaged for the preparation of the Feasibility Report for the proposed Tunnel Road Project. A copy of the Feasibility Report released on December 2024 is annexed herewith as **Annexure – D**. Notably, even before the Feasibility Report was finalised and identified the Tunnel Road as an option to reduce congestion, the Respondents proceeded to initiate steps towards its implementation. It is submitted that the Final Feasibility Report improperly incorporates DPR-stage material, casting doubt on the independence and credibility of the feasibility exercise itself.

21. In response to an RTI application dated 05.08.2025, wherein a citizen sought details of reports under the jurisdiction of BBMP, BMLTA, and MPC for the Tunnel Project, the Government of Karnataka furnished a copy of the Department of Urban Land Transport (DULT) review titled "*A Technical Review of the Feasibility Study Report of the North-South Corridor in Bengaluru submitted by BBMP*". The DULT has pointed out that crucial traffic and travel demand surveys were omitted, tunnel entry and exit ramps were proposed without any basis of demand assessment, risks arising from seismic, geological and ecological conditions were not examined, multiple conflicts exist with ongoing Metro alignments, no analysis of alternatives to the tunnel project was undertaken, and essential life-cycle costing and financial feasibility were

entirely absent. On the basis of these findings, the DULT concluded that the feasibility report cannot be relied upon and directed that a fresh, comprehensive study would be required. A copy of the RTI application and review of feasibility study report of north south corridor in Bengaluru by DULT is annexed herewith as **Annexure – E (Colly)**.

22. It is submitted that despite these issues, the Respondents have continued to advance the Impugned project through predetermined political decisions, in complete disregard of statutory obligations under the Environment (Protection) Act, 1986 and the EIA Notification, 2006. The Respondents have sought to exploit a narrow interpretation of the Notification to claim that tunnels are exempt, thereby bypassing the mandatory process of Environmental Impact Assessment (EIA) and public consultation. A copy of the EIA Notification, 2006 is produced herewith as **Annexure-F**.

23. It is submitted that, relying on the above misinterpretation, the State Environment Impact Assessment Authority, Karnataka (SEIAA) issued Letter No. SEIAA 80 MISC 2024 dated 26.11.2024, opining that the proposed tunnel does not require prior Environmental Clearance under the EIA Notification, 2006. The Respondents have since relied on this communication to advance tendering. The said letter is assailed herein as ultra vires and unsustainable for being a non-speaking exemption, issued without public consultation, or consideration of the General Condition (which escalates appraisal to Category-A where applicable, including proximity

to critically polluted areas/eco-sensitive features), and contrary to the MoRTH tunnel-safety review framework. A copy of the SEIAA letter dated 26.11.2024 is produced herewith as Annexure-K. It is submitted that no public consultation under the EIA Notification, 2006 has been conducted for the Project, no Terms of Reference for EIA have been issued, and no draft EIA report has been published for objections. The reliance on the SEIAA letter to bypass the EIA/public-hearing process is therefore illegal. A copy of the Letter dated 26.11.2024 by SEIAA exempting environmental clearance for the Project is annexed herewith as **Annexure - G.**

24. It is submitted that, while feasibility was being advanced, the Ministry of Road Transport & Highways (MoRTH) issued, on 06.09.2024, a letter to constitute expert panels for tunnel projects, and on 24.10.2024, a "Checklist for submission of Proposal of Tunnel Projects for Technical Review," mandating compliance with the EIA Notification, 2006. Notwithstanding this, the SEIAA, Karnataka, by letter dated 26.11.2024, stated that the tunnel project does not require Environmental Clearance. A copy of the checklist issued by the Ministry of Road Transport & Highways (MoRTH) dated 24.10.2024 is annexed herewith as **Annexure - H.**

25. It is submitted that, notwithstanding the above, Respondent No. 6 was engaged to prepare the DPR, which was released in March 2025 on a compressed timeline and contained multiple errors and missing studies. It is submitted that, thereafter, the State Cabinet on 22.05.2025 approved the

Project and a Government guarantee was announced; an SPV, B-SMILE, was constituted to implement the Project. A copy of the State Cabinet approval dated 22.05.2025 is annexed herewith as **Annexure - J**.

26. It is submitted that the Respondents have issued public announcements and press releases declaring the project alignment from Hebbal to Central Silk Board, despite the absence of statutory environmental clearances or scientific justification. A copy of the announcement dated March 2025 is produced herewith as **Annexure - K**.

27. It is submitted that the RFP states that the estimated project cost for package 1 is Rs. 8,770 crores and for Package 2 is Rs. 8,928 crores with a concession period of 34 years extendable by additional 10 years in the event of toll revenue shortfall including 50 months of construction. (RFP pg 3)

28. It is submitted that tender documents were thereafter issued and the schedule was fixed as follows - (a) tender was released on 15.07.2025, (b) pre-bid queries was due by 01.08.2025, (c) bid submission due by 02.09.2025, and (d) opening of technical bids due by 04.09.2025. The bid submission date was later extended to 23.09.2025.

29. It is submitted that the Detailed Report Project (DPR) prepared by Respondent No. 6 suffers from fundamental defects and cannot form the technical basis of a project of this magnitude. The DPR was completed in an unreasonably short period of barely three months, as against the industry norm of

at least 9-12 months for surveys and investigations. This undue haste has led to glaring errors such as references to location in the State Of 'Maharashtra' instead of "Karnataka" in the draft; for which the consultant was penalised a fine of Rs. 5,00,000. A copy of the DPR released in February 2025 and March 2025 is produced herewith as **Annexure- L (Colly)**.

30. It is further submitted that the DPR is marred by copy-paste errors, internally inconsistent traffic projections, and implausible figures, including mode share percentages exceeding 100%. Such carelessness renders the DPR unreliable and unfit to form the basis of a multi-thousand crore infrastructure project. The structuring of the project represents a wasteful and arbitrary expenditure of public resources, designed to facilitate the profits of private concessionaires without ensuring commensurate benefit to the public. More efficient and equitable alternatives such as expansion of the Metro, Bus Priority Lanes, and suburban rail have been ignored. A copy of the article titled "*Skeletons tumble out of Bengaluru tunnel road project reports*" (Money Control and Hindu Article dt. 09.01.2025) is produced herewith as **Annexure-M**.

31. It is further submitted that the DPR omits critical site-specific studies, no borehole drilling or in-situ geo-technical testing was undertaken; hydrological and flood-risk modelling was not carried out despite the alignment cutting across stormwater drains; and flawed traffic modelling and projections excluded two-wheelers and auto-rickshaws, which constitute nearly 70% of Bengaluru's vehicular population. Even on its

own assumptions, the DPR admits that several key junctions will remain at Level of Service "E" and "F" (worst congestion levels) post-construction. These defects render the DPR legally unreliable and demonstrate that the Impugned Project has been advanced without a scientific basis, in violation of statutory environmental safeguard.

32. It is submitted that Package-2 entails twin-tube tunnelling, intermediate ramps near Siddapura/Marigowda Roads, and a ventilation shaft in the Lalbagh area that directly risks the Peninsular Gneiss—a nationally declared Geo-heritage/Geological Monument. A copy of the State-wise details of the geological heritage sites/ national geological monuments by Geological Survey of India (GSI) is annexed herewith as **Annexure – N**. A citizen representation dated 11.07.2025 to the Horticulture Department flagged the geo-heritage risk and lack of geological appraisal and no response has been received till date. A copy of the representation dated 11.07.2025 sent to the Secretary, Department of Horticulture on risks to the Peninsular Gneiss geo-heritage site is annexed herewith as **Annexure – P**. It is further submitted that by Government Order dated 12.02.2025 Rs. 200 crore stands earmarked for restoration/protection of Rajakaluves and buffer zones across corridors, including Hebbal–Thanisandra and Inner Ring Road–Sarjapura, the tunnel's ramps/shafts intersect storm-water systems and risk undermining these flood-prevention works. A copy of the Government Order allocating Rs. 200 crores for Rajakaluve (stormwater drain) restoration works is annexed herewith as **Annexure – Q (Colly)**.

33. It is submitted that independent research by the Indian Institute of Science (IISc), Bengaluru (*Scenario Evaluation for Sub-Urban Rail, Metro, Double-Decker and Tunnel Roads in Bengaluru Metropolitan Region*, December 2024), has found that tunnel corridors and double-decker roads do not mitigate congestion but instead induce private vehicle use, reduce public transport ridership, aggravate emissions, and are acutely vulnerable to flooding. These expert findings directly contradict the Respondents' claim of public benefit from the proposed Tunnel Road Project. A copy of the said study is annexed herewith as **Annexure- R**

34. It is submitted that Union Minister for Road Transport & Highways, Shri Nitin Gadkari, has publicly acknowledged the problem of flawed DPRs for highways and tunnels, warning that consultants failing to adhere to due procedure will be penalised. The same malaise afflicts the present project. A copy of the report titled "*Gadkari Warns Consultants Over Flawed Highway DPRs*" (Deccan Herald, 15.07.2025) is produced herewith as **Annexure- S .**

35. It is submitted that pursuant to the Cabinet decision, the Respondents constituted a Special Purpose Vehicle (SPV) titled "Bangalore Smart Infrastructure Ltd. (B-SMILE)," with 90% equity held by the State and 10% by BBMP, to implement the project. A copy of the Government Order constituting the SPV is produced herewith as **Annexure-T .**

36. It is further submitted that this Hon'ble Court has, in connected proceedings concerning metropolitan planning in Bengaluru, already issued subsisting restraint orders. By order dated 04.05.2016 in OA No. 222 of 2014 (Forward Foundation & Anr. v. State of Karnataka), this Hon'ble Court restrained the Respondents from giving final approval to the Revised Master Plan 2031 without prior leave of Court. Subsequently, by a daily order dated 26.04.2019 in the same proceedings, this Hon'ble Court directed that no finalisation of tenders under the elevated highway corridors project shall take place if not already finalised, and even if finalised, no work shall be undertaken till further orders. Although the latter order was in relation to the elevated corridor project, it reflects the consistent judicial concern that large-scale infrastructure projects in Bengaluru Metropolitan Area must not be undertaken in disregard of the constitutional mandate under Article 243ZE and pending adjudication of the BMPC issue. The impugned Twin Tunnel Project has been initiated in complete disregard of these judicial pronouncements, further justifying intervention by this Hon'ble Court. A copy of Forward Foundation & Anr. v. State of Karnataka, MANU/GT/0075/2016 is annexed herewith as **Annexure – U.**

37. It is further submitted that the Bangalore Metropolitan Planning Committee (BMPC), created under Article 243ZE of the Constitution and Section 503-B of the Karnataka Municipal Corporations Act, is the apex constitutional body entrusted with preparing the draft development plan for the entire metropolitan area. Any major infrastructure project, including

the proposed Twin Tunnel, must therefore be placed before and scrutinised by the BMPC to ensure integration with mobility, land use, and environmental sustainability. Allowing special purpose vehicles like Respondent No. 3 (B-SMILE) to proceed independently defeats the constitutional mandate, fragments urban governance, and renders the project unconstitutional at its very inception.

38. It is submitted that no record has been placed to show that the BMLTA approved the Project under the BMLTA Act, 2022, or was scrutinised by the Bengaluru Metropolitan Planning Committee (BMPC) under Article 243-ZE/Section 503-B KMC Act, prior to Cabinet approval or tendering. The Project has therefore proceeded without the required metropolitan-level integration and approval.

39. It is submitted that the Respondents have announced their intention to award the said toll project through a bidding process to private concessionaires, who will thereafter be authorised to collect tolls from certain categories of road users. However, the proposed tolling regime, as per the terms disclosed, seeks to levy toll exclusively on, cars, while exempting other categories of vehicles such as two-wheelers, auto-rickshaws, buses, and commercial passenger vehicles. (DPR Pg 390-393)

40. It is submitted that the Concession Agreement expressly provides that toll rates shall be charged from specified vehicle classes only, subject to annual revision, with exemptions carved

out for public transport vehicles. A copy of the Concession Agreement is produced herewith as **Annexure – V.**

41. It is submitted that the justification offered by the Respondents, namely that tolls are required for cost recovery and for regulating traffic in the interest of the environment, does not withstand scrutiny. If the true object were cost recovery, there is no rationale in exempting certain categories of vehicles from the use of the tunnel road facility. If the true object were environmental protection or decongestion, the exemption of categories such as buses, two-wheelers and autos undermines such objective, since those vehicles equally add to traffic density and pollution.

42. It is further submitted that citizen groups and experts have sharply criticised the project as car-centric and exclusionary, pointing out that two-wheelers and auto-rickshaws, which constitute the majority of Bengaluru's commuters, have been excluded from usage. Such exclusion reflects a discriminatory and elitist design that prioritises private cars while ignoring public transport needs. The project therefore lacks any rational or intelligible differentia that can justify such a classification. A copy of the article titled "*Car-centric tunnel road proposal ignores Bengaluru's real needs, rue citizens*" (Times of India, 23.06.2025) is produced herewith as **Annexure-W.**

43. It is submitted that private vehicle users in the State already contribute substantially towards road and

infrastructure development through motor vehicle tax, registration fees, road tax and fuel cess, which are levied and collected by the Respondents. The imposition of an additional toll within the city limits exclusively upon them amounts to double taxation and economic overreach, violating the principle of fiscal fairness.

44. It is submitted that the proposed toll rates are abnormally high and disproportionate to the actual cost of road usage or maintenance. For many citizens, particularly middle-class commuters, such tolls will amount to a daily financial burden that will severely affect their livelihood and mobility and may also deter them from using the Tunnel roads. It is further submitted that this is not affordable to every segment of society, violating the doctrine of proportionality. Hence, the same is wholly disproportionate to the facilities provided and violates the doctrine of proportionality.

45. It is further submitted that the Respondents' justification that the Tunnel Project will reduce congestion is wholly misconceived. The proposed toll of approximately Rs. 640 for a round trip is prohibitively expensive for the vast majority of Bengaluru's commuters and will restrict usage only to an affluent minority, thereby failing to achieve any meaningful decongestion. It is an established principle of urban mobility planning that sustainable congestion reduction can be achieved not by expanding road capacity but by prioritising an affordable and extensive public transport system. The experience of Seoul, Republic of Korea is an example in this regard. Facing a

traffic crisis comparable to present-day Bengaluru, Seoul initially attempted to widen roads and construct flyovers, which only aggravated congestion. A paradigm shift was achieved when Seoul invested in a comprehensive public transport network metro, suburban rail, buses, safe footpaths and transit-oriented planning, together with demand management measures such as congestion pricing. This resulted in a modal shift, reduced private vehicle usage and even allowed for demolition of flyovers to create public space. Bengaluru's own experience, such as reduced congestion along recently operational metro corridors to Bommasandra and Whitefield, demonstrates that similar outcomes can be achieved through strengthening suburban rail, completing metro extensions, expanding and electrifying the BMTC fleet, and introducing tram systems on arterial corridors. Such alternatives, as recommended by the approved CMP 2020, would yield far greater and equitable benefits than the impugned Tunnel Project. A copy of the study titled "Seoul's Transportation Demand Management Policy" is produced herewith as **Annexure – X**.

46. It is pertinent to note that, at page no. 571 of the Feasibility Study, it is clearly stated that the Project by its nature and scale, requires a prior Environmental Impact Assessment (EIA) under the EIA Notification, 2006 and other applicable statutory provisions. The Feasibility Study further sets out the various environmental clearances and permissions that must be obtained before commencement of the work and in complete contradiction to the same, the SEIAA has issued a

letter that Environment Clearance is not required for the Impugned Project.

47. It is submitted that once the bidding process is completed and contracts awarded, the State will be contractually bound to the successful bidder, and any reversal will entail significant termination costs and legal consequences. Thus, the burden imposed by the project will be irreversible and will bind road users for decades to come. Judicial intervention at this preliminary stage is therefore both necessary and urgent.

48. It is submitted that the Respondents propose to award the toll project to a private concessionaire authorised to collect tolls from users of the tunnel. As per the disclosed access regime, only private cars/taxis are permitted to use the tunnel, while two-wheelers, auto-rickshaws and buses are prohibited, and tolls are payable by car users. This car-only, toll-only design bears no rational nexus to the stated objects of decongestion or cost recovery. It is submitted that excluding buses and para-transit removes the most space-efficient modes from a grade-separated corridor, excluding two-wheelers/autorickshaws (a large share of peak-hour trips) cannot reduce network congestion, and tolling only cars after excluding other classes is discriminatory. The scheme is therefore arbitrary and disproportionate.

49. It is submitted that once the concessionaire agreement is executed, the State will be bound for the concession period of

34 years, making reversal economically unviable and imposing a long-term burden on citizens.

50. It is submitted that the Project is slated for completion in about three years in two packages, Package 1 of this Project spans from the Hebbal Junction to Racecourse and Package 2 of the Project spans from Racecourse to Silk Board Junction. A copy of Project package details showing alignment from Hebbal to Racecourse and Racecourse to Silk Board is produced herewith as **Annexure - Y**.

51. It is further submitted that the preparation of the Detailed Project Report (DPR) by Rodic Consultants is vitiated by gross negligence, non-application of mind and reckless disregard for professional and statutory obligations. The DPR, for a project of this magnitude and environmental sensitivity was purportedly completed within an unreasonably truncated period of merely three months, contrary to established industry practice requiring a minimum of 9 to 12 months of comprehensive surveys, studies and technical evaluations. This undue haste has manifestly compromised the integrity and reliability of the DPR. Most egregiously, Rodic Consultants were penalised with a fine of Rs. 5,00,000 for a fundamental and inexcusable error wherein the draft DPR referred to locations within the State of 'Maharashtra' instead of 'Karnataka'. Subsequently they were fined Rs. 10,00,000 for more errors. A copy of an article highlighting the errors committed by Rodic Consultants is annexed herewith as **Annexure - Z (Colly)**. Such a glaring blunder in a statutory planning document for a

flagship project demonstrates a complete abdication of professional due diligence, absence of quality control, and an alarming level of carelessness that renders the DPR legally unreliable and unfit to be the basis for any public infrastructure decision-making.

52. It is submitted that the traffic modelling was flawed as it excluded two-wheelers and auto rickshaws, which together constituted approximately 70% of the vehicular composition as per data dated 30th June 2024. A copy of a Statement showing motor vehicles registered as on 30.06.2024 is annexed herewith as **Annexure – AA**.

53. It is submitted that in recent years, several tunnel and underpass projects across India have faced serious safety, structural, and operational issues, underscoring the risks associated with such large-scale infrastructure works. These include the collapse of the Silkyara Tunnel in Uttarakhand trapping 41 workers (November 2023), the failure of the Pragati Maidan tunnel in Delhi requiring a complete overhaul within two years of its inauguration (February 2024), multiple fatalities due to flooding in underpasses in the national capital (June 2024), the collapse of an under-construction tunnel section on the Delhi-Mumbai Expressway killing one and injuring three (December 2024) These incidents illustrate that tunnel construction technology in India is still evolving and carries significant risks if not preceded by thorough scientific assessment. A copy of the news article highlighting the issues

of the tunnel roads in major Indian cities is annexed herewith as **Annexure – AB (Colly)**.

54. It is respectfully submitted that a citizen-led petition was published on the public platform www.change.org under the title "*Cancel Bengaluru's Tunnel Road Project – Focus on All Other Options*", outlining detailed reasons for opposing the proposed Tunnel Road. A copy of the citizen-led petition titled as "*Cancel Bengaluru's Tunnel Road Project – Focus on All Other Options*" is annexed herewith as **Annexure - AC**. The petition called for the Project to be scrapped and urged the government to instead invest in strengthening public transport systems and promoting environmentally sustainable mobility solutions. It expressed concerns over the lack of transparency, environmental risks, and the disproportionate allocation of resources toward car-centric infrastructure. As of the date of filing, the petition has been endorsed by over 5,345 individuals, reflecting significant public disapproval and a collective demand for a mobility approach that prioritises equity, sustainability, and long-term urban resilience.

55. It is respectfully submitted that the Enayutulla Mehkri Circle, located at a distance of merely 7.2 kilometres north-west of the Peenya Industrial Area lies in close proximity to a region officially designated by the Central Pollution Control Board ("CPCB") as a "critically polluted area" in its most recent nationwide assessment. A copy of the Karnataka Pollution Control Board Study with the CEPI score and a map showing how one of the ramp is within 10 kms of the Peenya Industrial

Area is annexed herewith as **Annexure – AD (Colly)**. The classification is based on sustained violations of ambient environmental quality standards, including elevated levels of particulate matter, volatile organic compounds, and untreated effluent discharges. In such ecologically distressed zones, it is incumbent upon all public authorities and project proponents to exercise heightened vigilance and adhere to the precautionary principle, ensuring that no activity likely to exacerbate existing pollution burdens is undertaken without comprehensive environmental appraisal and mitigation planning. The failure to factor in Peenya's critically polluted status reflects a glaring omission in the Project's planning process and underscores the absence of a risk-sensitive approach to infrastructure development in environmentally vulnerable regions.

56. It is respectfully submitted that, pursuant to a citizen's RTI application dated 23.12.2024 seeking copies of all records and documents relating to the "consultation meeting" referred to in the Project Approval Certificate, the Public Information Officer failed to furnish any reply within the statutory period. Consequently, the applicant filed a First Appeal on 18.02.2025 before the First Appellate Authority. To date, no response has been received to either the original application or the First Appeal. The complete silence of the authorities in this regard, despite a statutory mandate under the Right to Information Act, 2005, evidences a deliberate denial of access to information, thereby frustrating transparency and meaningful public participation in the decision-making process. This silence creates a doubt whether consultation was held at all. A copy of

the RTI Application dated 23.12.2024 is annexed herewith as **Annexure – AE.**

57. Furthermore, as stated in the article "*Tunnel Vision*" by G.V. Hegde and K.C. Subhash Chandra (Down To Earth, 17 March 2025), the proposed tunnel alignment traverses geologically fragile zones, including faulted granite–gneiss contact areas and extensive saprolite formations that are prone to collapse when saturated. The authors caution that such conditions, combined with Bengaluru's already stressed aquifers and obstructed groundwater recharge pathways, create a high risk of subsidence, disruption of natural drainage, and irreversible depletion of groundwater resources. In the absence of detailed geotechnical and hydrogeological investigations addressing these concerns, proceeding with the Project would be in direct contravention of the precautionary principle and the statutory mandate of sustainable urban development. A copy of the article "*Tunnel Vision*" by G V Hegde and K.C. Subash Chandra is annexed herewith as **Annexure – AF.**

58. It is submitted that the Respondents have failed to adhere to the Comprehensive Mobility Plan, 2020 ("CMP-2020") as well as the Bengaluru Climate Action and Resilience Plan ("BCARP"), both of which mandate prioritisation of sustainable, public-transport-centric mobility solutions such as Metro expansion, suburban rail, bus fleet augmentation and electrification, and non-motorised transport measures. The impugned Tunnel Road Project is neither aligned with nor

consistent with these binding policy documents, and no exercise has been undertaken by the Respondents to justify such deviation. A copy of the CMP-2020 and the Bengaluru Climate Action and Resilience Plan, 2023 are annexed herewith as **Annexure-AG (Colly)**.

59. It is submitted that the Petitioners, having no alternative or efficacious remedy, are constrained to approach this Hon'ble Court under Article 226 of the Constitution of India, in order to protect the larger public interest, prevent unconstitutional fiscal burdens, and safeguard the principles of equality and reasonableness in governance.

GROUNDS:

A. **VIOLATION OF ENVIRONMENTAL LAW AND CIRCUMVENTION OF MANDATORY SAFEGUARDS**

60. It is most respectfully submitted that the Project is being pursued in a manner that deliberately circumvents mandatory environmental safeguards, in violation of the Environment (Protection) Act, 1986 and the EIA Notification, 2006. The Respondents contend that the project is exempt from the requirement of an Environmental Impact Assessment (EIA) on the basis that it is "not a highway or an extension of a highway but merely a tunnel" Such a reasoning is flawed, artificial, and contrary to the very object of the EIA regime.

61. It is submitted that, a project of this magnitude, involving massive excavation, alteration of geological structures, felling

of thousands of trees, and construction of multiple ramps and shafts over a stretch of 17 km cannot escape scrutiny merely by semantic categorisation. If the project causes significant environmental impact, it necessarily attracts the requirement of an EIA. To claim exemption is to reduce the law to a dead letter and defeat the precautionary principle laid down in *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647. The Hon'ble Supreme Court in this case held that,

"13. The Precautionary Principle and the Polluter Pays Principle have been accepted as part of the law of the land. Article 21 of the Constitution of India guarantees protection of life and personal liberty.

Articles 47, 48-A and 51-A(g) of the Constitution are as under: "47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health. The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

48-A. Protection and improvement of environment and safeguarding of forests and wildlife. The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.

51-A. (g) to protect and improve the natural environment Including forests, lakes, rivers and wildlife, and to have compassion for living creatures."

Apart from the constitutional mandate to protect and improve the environment there are plenty of post-independence legislations on the subject but more relevant enactments for our purpose are: the Water (Prevention and Control of Pollution) Act, 1974 (the Water Act), the Air (Prevention and Control of Pollution) Act, 1981 (the Air Act) and the Environment (Protection) Act, 1986 (the Environment Act). The Water Act provides for the constitution of the Central Pollution Control Board by the Central Government and the constitution of the State Pollution Control Boards by various State Governments in the country. The Boards function under the control of the Governments concerned. The Water Act prohibits the use of streams and wells for disposal of polluting matters. It also provides for restrictions on outlets and discharge of effluents without obtaining consent from the Board. Prosecution and penalties have been provided which include sentence of imprisonment. The Air Act provides that the Central Pollution Control Board and the State Pollution Control Boards constituted under the Water Act shall also perform the powers and functions under the Air Act. The main function of the Boards, under the Air Act, is to improve the quality of the air and to prevent, control and abate air pollution in the country. We shall deal with the Environment Act in the latter part of this judgment

14. In view of the above-mentioned constitutional and statutory provisions we have no hesitation in holding that the Precautionary Principle and the Polluter Pays Principle are part of the environmental law of the country."

62. It is respectfully submitted that, the illegality is compounded by the fact that the proposed tunnel falls within 10 km of the critically polluted industrial cluster of Peenya, as classified by the Central Pollution Control Board (CPCB) with a Comprehensive Environmental Pollution Index (CEPI) score of 78.12 (2018 CPCB assessment). The location of the Mehkri Circle (Enayutulla Mehkri Circle), approximately 7.2 km from Peenya, falls squarely within this 10 km radius.

63. It is submitted that no Terms of Reference have been issued. No draft EIA report has been prepared or placed in the public domain. No public hearing has been conducted under the EIA Notification, 2006. Reliance on a non-speaking opinion to bypass scoping and consultation is illegal and it vitiates the decision-making process.

64. It is submitted that hydrology and flood-risk modelling for the corridor that intersects storm-water drains has not been carried out to the standard required at the Detailed Project Report stage. Geotechnical investigations, including borehole drilling and in-situ testing, have also not been undertaken to that standard. Proceeding without these baseline investigations violates the precautionary principle and increases disaster risk.

65. It is most respectfully submitted that the proposed Project alignment, particularly the excavation and tunnelling under the Lal Bagh area for Package 2, directly threatens the Peninsular Gneissic Complex, which is approximately 3 billion years old and notified as a National Geological Monument by the Geological Survey of India vide Press Information Bureau release dated 09.03.2016. This geo-heritage site carries binding statutory protection, and no construction or excavation may lawfully be undertaken in a manner that endangers its integrity.

66. It is further submitted that the DPR itself admits that intermediate ramps at Lal Bagh will traverse through and beneath this sensitive zone, including an entry ramp from Ashoka Pillar Road and an exit ramp towards Wilson Garden. This constitutes an express violation of the protection regime. The Hon'ble High Court of Andhra Pradesh in *P.L.V.N. Murthy v. Union of India, W.P (PIL) No. 155 of 2024* restrained excavation and construction around the geo-heritage site of Erra Matti Dibbalu, holding that such protective designations must be strictly enforced.

"The Geological Survey of India vide notification/resolution, dated 19.07.2014, declared the 'Erra Matti Dibbalu' located between Visakhapatnam and Bheemunipatnam as a geo heritage site.

It appears that respondent No.16 was allotted an area of land admeasuring approximately 374 acres for building houses/township in 2012. This allotment was made subject to conditions which

were modified from time to time. After the issuance of the resolution/notification, dated 19.07.2014, it appears that with a view to protect the geo heritage site, the Greater Visakhapatnam Municipal Corporation vide order, dated 17.07.2024, issued a stop order on construction pending demarcation of the heritage structures and the military establishments in the drawings.

It is stated that the demarcation on drawings has not been completed and yet the stop order has been violated and the process of demolition of the geo heritage structures is going on.

In the meantime, the Greater Visakhapatnam Municipal Corporation will ensure that its stop order, dated 17.07.2024, is implemented in letter and spirit and the geo heritage structures, which are still existing on the spot, are preserved till further orders."

67. It is submitted that by permitting tunnelling through the Peninsular Gneiss without clearance from the Geological Survey of India, the Respondents have acted in breach of their statutory duty, and in violation of the public trust doctrine, as recognised in *M.C. Mehta v. Kamal Nath, 1997 1 SCC 388* recognised and applied the Public Trust Doctrine in the following terms:

"25. Our system based on English common law includes the general public trust doctrine as a part of its jurisprudence. The state is the trustees of all-natural resources, which are naturally meant for public use and delight. The general public at large is that the beneficiary of the sea-shore, running waters, airs, forests and ecologically fragile lands". The state as a trustee is under a duty to guard the natural resources and these

resources meant for public use can't be converted into private ownership."

68. It is submitted that statutory consents and permissions that must exist before tendering have been deferred to a future concessionaire. These include pollution control consents, tree-felling permissions with compensatory plantation plans, and fire and disaster management approvals for tunnel safety. Such delegation is impermissible in law. These are planning-stage obligations of the State and they go to the very feasibility of the project.

69. It is submitted that the Project envisages large-scale felling of trees, including within ecologically sensitive zones such as Lal Bagh Botanical Garden, and Hebbal Valley. The Detailed Project Report itself contemplates tree loss but defers the responsibility of obtaining tree-felling permissions to the concessionaire.

70. It is further submitted that such abdication is impermissible. Under the Karnataka Preservation of Trees Act, 1976, prior permission of the Tree Officer is mandatory before felling any tree. Further, under Section 41 of the Biological Diversity Act, 2002, Biodiversity Management Committees are required to be consulted for activities affecting local biodiversity. No such permissions or consultations have been obtained to date.

71. It is submitted that the General Condition in the EIA Notification, 2006 expressly provides that if a Category 'B'

project is located within 10 km of a critically polluted area, it shall be treated as a Category 'A' project, requiring clearance from the MoEFCC. This mandatory reclassification mechanism is designed to ensure heightened scrutiny of projects in environmentally sensitive or already degraded zones. The Respondents' failure to apply this provision amounts to a clear breach of the Notification. It is submitted that the Feasibility Report itself acknowledged the necessity of prior Environmental Impact Assessment and Environmental Clearance having regard to the nature and scale of the proposal, whereas the Detailed Project Report reverses course and asserts that no EIA is required by merely citing a state-level opinion; this internal contradiction, without reasons or analysis, evidences non-application of mind and an attempt to evade the statutory appraisal framework.

72. It is further submitted that any construction project within this buffer zone is strictly prohibited to ensure that existing pollution is not aggravated. In the absence of such an assessment, the project will worsen pollution load in an already critically stressed area, violating the precautionary principle and the right to a clean and healthy environment under Article 21 of the Constitution. In any event, and at the very least, no work can lawfully proceed absent Category-A appraisal and prior environmental clearance; proceeding to procurement and award without such clearance is *ex facie* illegal and vitiates all consequential steps.

73. Furthermore, it is submitted that there is complete absence of transparency and disclosure regarding the ecological diversion that will follow. The Respondents have not placed on record the number of trees that will be felled, nor have they obtained mandatory permissions for tree felling, compensatory afforestation or forest clearance, despite the construction of sixteen entry/exit ramps and multiple shafts. Shockingly, the responsibility of securing such approvals has been deferred to the future "successful bidder," rather than being carried out by the State at the planning stage. This abdication of statutory responsibility makes the entire bidding process illegal, as no project of this scale can be floated without prior environmental clearance. Moreover, no afforestation or compensatory plantation plans have been prepared or approved, reflecting a total disregard for statutory duties under the Forest (Conservation) Act, 1980 and allied rules. (Section 2, forest conservation act, 1980 read with forest conservation rules, 2003).

74. It is submitted that the DPR itself acknowledges that the Project alignment intersects the stormwater drains of the Hebbal Valley, which form part of Bengaluru's primary flood management network. The Revised Master Plan 2015 expressly prohibits construction within buffer zones of 50m/25m/15m around primary, secondary, and tertiary stormwater drains.

75. It is submitted that the Hon'ble National Green Tribunal in *Forward Foundation v. State of Karnataka*, MANU/GT/0075/2016 directed that even wider buffers of

75m/50m/35m/25m be maintained around lakes and drains, and held that any construction within these zones is illegal. The Project's attempt to justify such encroachment by citing the unnotified Draft Master Plan 2031 is untenable, as the operative statutory plan remains RMP 2015. The Hon'ble National Green Tribunal (Principal Bench, Delhi) on the similar case, upheld the regulatory guidelines of the RMP-2015,

"In view of our discussion in the main Judgment, we are of the considered view that the fixation of distance from water bodies (lakes and Rajkulewas) suffers from the inbuilt contradiction, legal infirmity and is without any scientific justification. The RMP - 2015 provides 50m from middle of the Rajkulewas as buffer zone in the case of primary Rajkulewas, 25m in the case of secondary Rajkulewas and 15m in the tertiary Rajkulewas in contradiction to the 30m in the case of lake which is certainly much bigger water body and its utility as a water body/wetland is well known certainly part of wet land. Thus, we direct that the distance in the case of Respondents Nos. 9 and 10 from Rajkulewas, Waterbodies and wetlands shall be maintained as below:-

In the case of Lakes, 75m from the periphery of water body to be maintained as green belt and buffer zone for all the existing water bodies i.e. lakes/wetlands.

- 50m from the edge of the primary Rajkulewas.*
- 35m from the edges in the case of secondary Rajkulewas*
- 25m from the edges in the case of tertiary Rajkulewas*

This buffer/green zone would be treated as no construction zone for all intent and purposes. This is absolutely essential for the purposes of sustainable development particularly keeping in mind the ecology and environment of the areas in

question. All the offending constructions raised by Respondents Nos. 9 and 10 of any kind including boundary wall shall be demolished which falls within such areas. Wherever necessary dredging operations are required, the same should be carried out to restore the original capacity of the water spread area and/or wetlands. Not only the existing construction would be removed but also none of these Respondents - Project Proponent would be permitted to raise any construction in this zone"

76. It is submitted that in the absence of any hydrogeological modelling or flood-risk analysis, proceeding with tunnel construction through Hebbal Valley is arbitrary and contrary to the precautionary principle. This Hon'ble Court has already taken judicial notice of Bengaluru's repeated flooding events; permitting such an ecologically unsafe alignment would aggravate disaster risk and violate Article 21 rights.

77. It is submitted that, these impacts are not ancillary but strike at the core of environmental sustainability and climate resilience. It is therefore the responsibility of the Government to take necessary precautions before implementing any such projects. In view of Justices S.B Majumdar and M. Jagannadha Rao., of the Hon'ble Supreme Court, in the case of *A.P Pollution control board versus Prof. M.V. Nayudu and Ors (1999 SCC OnLine SC 72)* held as follows;

"42. Good governance is an accepted principle of international and domestic laws. It comprises of the rule of law, effective State institutions, transparency and accountability in public affairs, respect for human rights and the meaningful

participation of citizens (including scientists) in the political processes of their countries and in decisions affecting their lives. [Report of the Secretary General on the work of the Organization, official records of the UN General Assembly, 52nd Session, Suppl. I (A/52/1) (para 22).] It includes the need for the State to take the necessary "legislative, administrative and other actions" to implement the duty of prevention of environmental harm, as noted in Article 7 of the draft approved by the Working Group of the International Law Commission in 1996. (See Report of Dr Sreenivasa Rao Pemmaraju, Special Rapporteur of the International Law Commission dated 3-4-1998 on "Prevention of Transboundary Damage from Hazardous Activities") (paras 103, 104). Of paramount importance in the establishment of environmental courts, authorities and tribunals is the need for providing adequate judicial and scientific inputs rather than leave complicated disputes regarding environmental pollution to officers drawn only from the executive"

78. It is submitted that, by attempting to escape EIA obligations, by failing to disclose or mitigate large-scale ecological diversion, and by ignoring the project's proximity to a critically polluted zone, the Respondents have acted in violation of statutory mandates, constitutional duties, and binding principles of environmental jurisprudence. The impugned project is therefore unsustainable, arbitrary, and liable to be restrained.

79. Given the critical nature of the issue and its direct impact on the fundamental rights of citizens, it is respectfully submitted that immediate judicial intervention is necessary to

prevent the Government of Karnataka from proceeding with the proposed Bangalore Twin Tunnel Project in a manner that causes wasteful expenditure of public resources and imposes arbitrary financial burden on citizens. Such intervention is essential to ensure that principles of equality and non-discrimination under Article 14 are not rendered nugatory.

80. It is submitted that the Petitioner invokes Article 226 of the Constitution of India, seeking a Writ of Mandamus and any other appropriate Writ and/or directions restraining the Respondents from proceeding with the project in its present form, and to compel the Government of Karnataka to consider and implement public-transport centric alternatives as envisaged in the DPR's own scenario analysis. The issuance of such a writ is necessary to prevent arbitrary financial decisions and to uphold the constitutional rights of citizens.

81. It is submitted that the manner in which the project is being advanced, despite being only at the bidding stage, creates a fait accompli situation. Such conduct if allowed to continue will make it practically impossible for this Hon'ble Court to undo the wasteful expenditure once contracts are awarded, thereby defeating the very purpose of judicial review.

82. It is submitted that the Petitioner and the public at large have a legitimate expectation that the Government of Karnataka, while formulating and implementing infrastructure projects, will act in a manner consistent with the constitutional mandate of fairness, non-arbitrariness and judicious use of

public funds. The failure of the Respondents to consider less expensive and more effective and speedier to execute alternatives, as revealed even in their own Detailed Project Report (DPR) breaches this legitimate expectation and warrants judicial intervention.

83. In view of the above, the tender notification, the feasibility report and the DPR, and the state-level opinion dispensing with environmental clearance are liable to be set aside.

B. VIOLATION OF BENGALURU METROPOLITAN LAND TRANSPORT AUTHORITY ACT (BMLTA), 2022

84. It is respectfully submitted that the impugned Project is in direct contravention of the provisions of the Bengaluru Metropolitan Land Transport Authority Act, 2022 ("BMLTA Act"). Section 19 of the Act categorically prohibits any authority, agency or department under the State Government from initiating an urban mobility project within the Bengaluru Urban Mobility Region without obtaining prior approval of the Bengaluru Metropolitan Land Transport Authority. Such approval is a statutory prerequisite not only for initiation but also for seeking financial assistance from the State or Central Government. Further, Sections 14, 17, 18 and 22 of the Act vests overriding powers in the Authority to ensure that all projects are consistent with the Comprehensive Mobility Plan and are integrated with the city's land use planning. In the absence of such approval, any Cabinet sanction, constitution of

Special Purpose Vehicle or issuance of tenders stands vitiated and is rendered without jurisdiction.

85. It is submitted that Section 19 operates as a condition precedent. No authority may initiate, procure, or seek or receive financial assistance for an urban mobility project in the Bengaluru Urban Mobility Region without the prior approval of the Authority. By virtue of Section 22, the Act has overriding effect and prevails over any inconsistent decision or action of any department or agency. Steps such as Cabinet sanction, constitution of a special purpose vehicle, issuance of tenders and the grant of guarantees, taken without Section 19 approval and conformity with the Comprehensive Mobility Plan under Sections 14, 17, 18 and 21, are ultra vires and without jurisdiction.

86. It is respectfully submitted that the BMLTA Act came into effect in January 2023, creating BMLTA as the statutory body vested with the power to approve and oversee all major transport infrastructure projects in the Bengaluru Metropolitan Region. However, as on date, the Authority has not been made fully operational, and the statutory body of BMLTA is yet to be constituted. In the absence of such a duly constituted Authority, the approval for the present tunnel project has not been obtained from the competent body as mandated under law. Instead, only a technical review has been furnished by the Directorate of Urban Land Transport (DULT), which specifically records that

"The mobility policies approved for Bengaluru target achieving a high modal share by public transportation by attracting people towards the use of public transport and discouraging the use of private motor vehicles such as two-wheelers."

87. This observation itself negates the very basis of the proposed tunnel project, which is aimed at facilitating private vehicular movement. Thus, not only is there a lack of proper statutory approval, but even the limited technical review available militates against the execution of the project.

88. It is submitted that the Directorate of Urban Land Transport functions only as the Secretariat and cannot substitute for the decision of the Authority constituted under the Act. A technical note from the Secretariat is not an approval under Section 19. It is submitted that until the Authority is duly constituted and exercises its statutory powers, no approval can be presumed or deemed, and any action resting on such presumption is coram non iudice and void.

89. It is submitted that such a mere technical review is insufficient in law and is liable to be overruled at any stage. The forwarding of the project for bidding without due approval from the BMLTA is therefore vitiated, and it is submitted that the proposed tunnel is not only procedurally defective but also unnecessary in the given circumstances.

90. It is submitted that, in the absence of approval under Section 19, the subsequent steps of Cabinet approval,

announcement of a Government guarantee, formation of the special purpose vehicle and the issuance of the tender are each in the teeth of the statutory bar. What the law prohibits directly cannot be achieved indirectly through another instrumentality. The procurement is therefore vitiated at inception and is liable to be set aside on this ground alone.

91. It is submitted that this Project has been advanced in complete disregard of the mandatory framework of the BMLTA Act. No material has been placed on record to show that approval of the Authority under Section 19 has been obtained, nor that the Project has been evaluated for conformity with the Comprehensive Mobility Plan as mandated under Sections 14 and 21. The advancement of the Project despite such statutory prohibition amounts to colourable exercise of power, defeats the very object of the BMLTA Act, and is contrary to the rule of law. On this ground alone, the impugned Project is unsustainable and liable to be quashed.

92. It is submitted that the failure to obtain approval under Section 19 and to demonstrate conformity with the Comprehensive Mobility Plan under Sections 14 and 21 amounts to non-application of mind and a colourable exercise of power. Proceeding outside the statutory framework frustrates the very object of the Act, namely integrated, public-interest-oriented mobility planning. The actions are illegal and void for want of jurisdiction.

93. It is further submitted that even the internal record between DULT and BBMP demonstrates that the feasibility study placed by the BBMP is wholly inadequate and incomplete. The Directorate of Urban Land Transport, acting only in its capacity as Secretariat, has itself observed that no proper traffic or demand surveys were conducted, that tunnel entry and exit ramps were proposed without any scientific basis, that no assessment was undertaken of seismic, geological or ecological risks, and that there are multiple conflicts with existing Metro alignments. It has also been noted that no alternatives to such a tunnel project were examined, and that crucial life-cycle costing and financial feasibility have been omitted altogether. On the strength of these observations, it was concluded that the feasibility report cannot be relied upon and that a fresh, comprehensive assessment would be required before the project could even be considered.

94. It is, therefore, clear from the Government's own records that not only is there an absence of statutory approval from the BMLTA, but also that the only technical review available has categorically found the project to be defective on fundamental grounds. In such circumstances, the advancement of the project for bidding and implementation amounts to complete disregard of statutory safeguards, and reinforces the position that the impugned Project is *ex facie* unsustainable and liable to be set aside.

95. In view of the above, the tender notification, the decision to form and utilise the special purpose vehicle for this project

and all consequential procurement steps taken without prior approval under Section 19 of the BMLTA Act are liable to be quashed. It is submitted that, this Hon'ble Court ought to direct the Respondents not to take any further steps in relation to the project until the Authority is duly constituted and grants approval after examining conformity with the Comprehensive Mobility Plan and after conducting a lawful appraisal under the Act.

C. VIOLATION OF ARTICLE 14 - MANIFEST ARBITRARINESS, IRRATIONAL CLASSIFICATION, AND DISPROPORTIONALITY IN TOLLING AND FISCAL STRUCTURE

96. It is respectfully submitted that the tolling design and fiscal architecture of the Impugned Project violate Article 14. State action in contracting and pricing must satisfy the tests of non-arbitrariness and reasonable classification and must also pass the proportionality test. The measures adopted must pursue a legitimate aim. They must be suitable to achieve that aim. They must be necessary in the sense that less restrictive and more equitable alternatives are considered and adopted where available. They must also be balanced so that the burden on commuters and the public exchequer is not excessive when weighed against the asserted benefits.

97. It is respectfully submitted that the Detailed Project Report (DPR Vol. 5, p.46) itself proceeds on the basis of an assumed average toll of Rs. 19.42 per kilometre for cars in evaluating the "with toll" scenario. For the project stretch of

16.754 km, this translates into an effective toll of approximately Rs. 325 for a single one-way journey for a private car. For a return trip on the same day, the burden rises to Rs. 650, and for a regular commuter travelling 20 working days a month, the outgo would be nearly Rs. 13,000 per month purely on account of tolls.

98. It is submitted that such rates are not merely high but wholly confiscatory in nature. No intra-city commuter infrastructure anywhere in the country imposes such a crushing financial burden on individual citizens. By comparison, National Highway Authority of India toll norms generally prescribe between Rs. 1.5 to Rs. 3 per kilometre for cars, and between Rs. 4 to Rs. 6 per kilometre for heavy vehicles. The figure of Rs. 19.42/km assumed in the DPR is more than six times the national average, rendering the levy disproportionate and arbitrary.

99. It is further submitted that the imposition of such tolls will exclude a large section of middle-class and salaried commuters from practical access to the tunnel. The tariff will deter routine use even by car users who currently rely on private vehicles for daily mobility. The facility will therefore become an elitist corridor accessible only to a small affluent class. A pricing design that produces exclusion and does not advance decongestion or cost recovery fails the test of rational nexus and is manifestly arbitrary under Article 14.

100. It is respectfully submitted that the proposed scheme of levying disproportionately high tolls on private vehicle users, while exempting buses, two-wheelers and auto-rickshaws is discriminatory, arbitrary and violative of Article 14. The selective imposition of financial burdens not only deepens inequality but also deters citizens from exercising their right to mobility in a fair manner.

101. The Supreme Court in the case of *Kasturi Lal Lakshmi Reddy v. State of Jammu and Kashmir*, (1980) 4 SCC, held that

"13. So also, the concept of public interest must as far as possible receive its orientation from the directive principles. What according to the founding fathers constitutes the plainest requirement of public interest is set out in the directive principles and they embody par excellence the constitutional concept of public interest. If, therefore, any governmental action is calculated to implement or give effect to a directive principle, it would ordinarily, subject to any other overriding considerations, be informed with public interest.

14. Where any governmental action fails to satisfy the test of reasonableness and public interest discussed above and is found to be wanting in the quality of reasonableness or lacking in the element of public interest, it would be liable to be struck down as invalid. It must follow as a necessary corollary from this proposition that the government cannot act in a manner which would benefit a private party at the cost of the State, such an action would be both unreasonable and contrary to public interest. The government, therefore cannot for

example give a contract or sell or lease out its property for a consideration less than the highest that can be obtained for it, unless of course there are other considerations which render it reasonable and in public interest to do so The court cannot lightly assume that the action taken by the government is unreasonable or without public interest because, as we said above, there are a large number of policy considerations which must necessarily weigh with the government in taking action as invalid on this ground, unless it is clearly satisfied that the action is unreasonable or not in public interest. But where it is so satisfied, it would be the plainest duty of the court under the Constitution to invalidate the governmental action. This is one of the most important functions of the court and also one of the most essential for preservation of the rule of law. It is imperative in a democracy governed by the rule of law that governmental action must be kept within the limits of the law and if there is any transgression, the court must be ready to condemn it. It is a matter of historical experience that there is a tendency in every government to assume more and more powers and since it is not an uncommon phenomenon in some countries that the legislative check is getting diluted, it is left to the court as the only other reviewing authority under the Constitution to be increasingly vigilant to ensure observance with the rule of law and in this task, the court must not flinch or falter. It may be pointed out that this ground of invalidity, namely that the governmental action is unreasonable or lacking in the quality of public interest, is different from that of mala fide though it may, in a given case, furnish evidence of mala fide."

102. It is finally submitted that the adoption of such inflated toll assumptions in the DPR demonstrates non-application of mind and a deliberate structuring of the project to ensure revenue viability for private concessionaires rather than equitable benefit for the public. The doctrine of proportionality under Articles 14 and 19, as well as the principle of fiscal fairness implicit in Article 21, stand violated. The proposed toll rates are therefore disproportionate and arbitrary and therefore violates the fundamental rights.

103. It is respectfully submitted that independent expert studies, including the Indian Institute of Science (IISc) Sustainable Transportation Lab (Prof. Ashish Verma, December 2024), have specifically evaluated the impact of double-decker flyovers and the proposed North-South Tunnel Corridor.

104. It is further submitted that the findings categorically demonstrate that such road-centric infrastructure does not alleviate congestion but instead induces greater private vehicle ownership and usage, reduces public transport ridership, and aggravates carbon emissions.

105. It is submitted that the IISc study further records that tunnel roads are acutely vulnerable to flooding, thereby compromising resilience and safety, and that both tunnel and double-decker projects disproportionately privilege private car users while excluding the vast majority dependent on sustainable modes of transport (IISc Report, pp. 32-36).

106. It is submitted that proceeding with the Impugned Project despite such authoritative expert warnings constitutes non-application of mind, violation of the precautionary principle under Articles 21 and 48A, and abdication of the Respondents' constitutional obligation to align urban infrastructure with sustainable mobility policies.

107. It is respectfully submitted that the project has been structured in a manner that results in heavy loss to the public exchequer and wasteful deployment of resources, without ensuring corresponding benefit to citizens. As per the Request for Proposal (RFP), the Respondents have committed to provide Viability Gap Funding (VGF) of up to 40% of the total project cost, which is estimated at around Rs. 8,770 crores for package 1. This means that even before a single rupee of toll is collected, the State will spend more than Rs. 3,500 crores of taxpayer money to subsidise the private concessionaire. Yet, despite such massive public funding, the concessionaire is still granted the right to collect tolls from road users for decades. This creates a situation where the public pays twice—first through taxes, and then again through tolls. Such double imposition, without a reasoned justification that withstands proportionality, is arbitrary and violates Article 14.

108. It is respectfully submitted that the concession framework locks in very long contractual commitments. The RFP and Draft Concession Agreement specify that the concession period is 34 years, extendable up to 44 years if the concessionaire does not recover the quoted "Total Concession

Value" (TCV) from toll collections. Thus, if traffic projections fall short, which is highly likely due to toll and planned improvements to public transport, the concession period can be stretched by another decade, ensuring that revenue recovery for the private concessionaire is guaranteed. While the public has remained bound to pay tolls for nearly half a century, such one-sided protection of private returns at the cost of the public purse amounts to economic irrationality. This one-sided allocation of risk is unreasonable and violates Article 14.

109. It is respectfully submitted that the Escrow Account mechanism prescribed under the Concession Agreement further reveals how public interest has been subordinated. Under this arrangement, every rupee collected as toll is first appropriated towards taxes, O&M costs, concession fee, and above all, debt servicing of lenders, before any residual amount becomes available for the Authority or public purposes. In the event of premature termination of the contract, the Agreement provides that up to 90% of "Debt Due" must be paid to lenders from public funds. This creates a massive contingent liability for the State, ensuring that even if the project fails, public money will be used to bail out private financiers. Such allocation of public risk without cogent justification fails the standard of reasonableness under Article 14.

110. It is further submitted that even the so-called Financial Internal Rate of Return (FIRR) and Equity IRR projections in the DPR only show marginal viability, and that too solely by assuming a maximum Government grant of 40%. The project

IRR ranges barely between 14% and 15%, while equity IRR hovers at 16-18%, which is only just at the threshold of investor acceptability. Without the public subsidy element, the project would fall below commercial norms and be rendered unviable. Moreover, the traffic projections and the rights of the ancillary revenue streams (such as advertisements, naming rights, building commercial complexes at shaft locations with Floor Space Index 5 and leasing of tunnel space for utilities) are fully with the Concessionaire and are not reckoned as Toll Road revenues. This basically takes the subsidy granted to the Concessionaire higher than 40% and unnecessarily strain the public finances.. By a mix of direct cash subsidy and ancillary revenue rights, treating such optimistic figures as fait accompli, the DPR disguises the financial fragility of the project, and fritters away valuable ancillary revenues unfairly to the Concessionaire, thereby exposing the public exchequer to a high-risk, low-return venture under the guise of "viability". (DPR revised pg. 71)

111. It is further submitted that the so-called 'Economic Analysis' in the DPR showing an EIRR of 19.07% and a benefit-cost ratio of 1.926 is premised on inflated and unrealistic assumptions of traffic growth, high value of time assumption, congestion relief and fuel savings, while excluding negative externalities such as ecological damage, toll burden, and induced private vehicle use. Even the DPR itself admits that congestion will remain at saturation levels. Such one-sided accounting renders the purported economic justification illusory, and the project cannot be sustained merely on

speculative projections of benefits while ignoring demonstrable costs.

112. It is respectfully submitted that even the DPR's own scenario analysis admits that investment in public transport improvements (Scenario 3 in the traffic study) would reduce congestion and improve network efficiency without such massive financial outlays or discriminatory tolling. However, this option has been ignored in favour of an excessively expensive tunnel project designed around private profit recovery. This non-consideration of cheaper, more efficient alternatives demonstrates non-application of mind and results in a wasteful expenditure of public resources.

113. It is respectfully submitted that the Respondents refusal to consider viable and sustainable alternatives, such as expediting the suburban rail system, completing pending metro corridors, expanding and electrifying the BMTC fleet, and exploring metro systems on arterial roads renders the impugned Project irrational and arbitrary. These alternatives could be implemented at far lower cost, with completion by 2030, and would achieve the recognised benchmark of 70% modal share for public transport. The failure to even evaluate such alternatives, despite the Detailed Project Report admitting their feasibility, demonstrates non-application of mind and violates the necessity limb of proportionality under Article 14.

114. It is respectfully submitted that, apart from ignoring cheaper and more effective transport alternatives, the

Respondents have also failed to conduct any social cost-benefit analysis or Social Impact Assessment of the project. For a scheme involving an outlay of nearly Rs. 17,000 crores and long-term toll burdens on lakhs of daily commuters, such an omission strikes at the core of rational decision-making. No attempt has been made to assess how the proposed tolling regime will affect household incomes, commuting affordability, equity across income groups, or the overall socio-economic welfare of Bengaluru's residents. The absence of such a study renders the project not only fiscally imprudent but also socially unjust, in violation of the principles of proportionality and distributive justice under Articles 14 and 21 of the Constitution.

115. The Petitioner submits that the Respondents non-consideration of viable public transport solution and insistence on pursuing an excessively expensive tunnel project creates a legal and policy vacuum. This is likely to result in inconsistent, ad hoc and inequitable practices across the city's transport network, undermining the very object of rational urban planning.

116. It is respectfully submitted that permitting the project to proceed unchecked will lead to irreparable harm to the public exchequer and to individual citizens, who may be compelled to bear arbitrary and excessive toll charges, directly or indirectly without any corresponding public benefit

117. The Petitioner submits that this Hon'ble Court's intervention is crucial to ensure uniformity in the application of

law, to safeguard the rights of citizens from arbitrary State action, and to prevent irretrievable waste of public funds.

118. Therefore, the tolling regime and fiscal architecture of the Impugned Project are vitiated by manifest arbitrariness and disproportionality under Article 14. The tender notification, the procurement steps founded on the Detailed Project Report and feasibility materials, and the proposed toll framework are liable to be set aside. The Respondents be directed to re-design any proposal only after a reasoned evaluation of less burdensome alternatives, a fair and evidence-based pricing framework, and a risk allocation that conforms to constitutional standards of non-arbitrariness and public interest.

D. BREACH OF THE PUBLIC TRUST DOCTRINE UNDER ARTICLE 21, READ WITH ARTICLES 48A AND 51A(G)

119. It is most respectfully submitted before this Hon'ble Court that, the Respondents have acted in violation of the Public Trust Doctrine, which has been firmly embedded in Indian constitutional jurisprudence as part of Article 21 and the Directive Principles of State Policy. The proposed twin tunnel project represents a clear breach of this trustee obligation. First, it involves large-scale diversion and exploitation of public land and underground resources, alienating assets that the State is duty-bound to preserve for the community. Second, the excavation and tunnelling works are likely to disrupt groundwater aquifers and natural drainage systems, aggravating Bengaluru's existing flooding and water scarcity, thereby disturbing the ecological balance. Third, the project

risks causing irreversible loss of urban commons such as tree cover, parks, and groundwater recharge zones, which are the resources that cannot be treated as State property to be disposed of but must be safeguarded as community trusts. Finally, by prioritising short-term infrastructure goals over long-term ecological sustainability, the Respondents have undermined the principle of intergenerational equity, leaving future generations with diminished environmental security.

120. It is submitted that the trust resources implicated by the project include the sub-surface strata and aquifers along the alignment, the network of storm-water drains and floodplains, urban tree cover and biodiversity corridors, and public open spaces that perform essential ecological functions. These are community assets held by the State in trust for present and future generations and they cannot be encumbered or alienated without strict compliance with environmental due process and a reasoned demonstration of overriding public interest. It is further submitted that intergenerational equity is an integral part of the public trust doctrine. Decisions that irreversibly deplete aquifers, compromise drainage, or lock the city into high-emissions transport undermine the rights of future residents and therefore violate Article 21.

121. The doctrine, originating in Roman and common law, has been explicitly recognised by the Hon'ble Supreme Court in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388], where the Court held that the State is the trustee of all natural resources, which

are by nature meant for public use and enjoyment, and cannot be transferred for private exploitation;

"34. Our legal system based on English common law the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the sea-shore, running waters, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership."

122. It is submitted that the Hon'ble Supreme Court has consistently applied the doctrine to urban commons and ecological infrastructure. These decisions affirm that civic authorities cannot convert or encumber common resources for private or limited use when the law requires preservation for the community.

123. This doctrine has further been upheld in *Intellectuals Forum, Tirupathi v. State of A.P.* [(2006) 3 SCC 549] and *Fomento Resorts & Hotels Ltd. v. Minguel Martins* [(2009) 3 SCC 571] that the State, being a trustee, has a positive obligation to protect and preserve such resources, and any action that abdicates this duty amounts to a breach of trust.

124. It is submitted that, as trustee, the State carries a positive obligation to prevent irreversible harm and to choose measures that least impair the trust res. Where less destructive alternatives exist that provide equivalent or greater mobility

benefits, the trustee must adopt those alternatives rather than commit to a high-risk and exclusionary tunnel.

125. It is respectfully submitted that the Public Trust Doctrine therefore operates not merely as a restriction on arbitrary state action, but as an affirmative constitutional duty that binds all instrumentalities of the State to safeguard resources essential for the collective survival and well-being of present and future generations. Further, such a project would lead to long-term ecological degradation, increased vehicular emissions, displacement of natural drainage systems, and deterioration of the health and living conditions of the residents of Bengaluru. These impacts are not merely theoretical, but tangible and far-reaching, directly affecting the fundamental right to life and health under Article 21.

126. It is submitted that the trustee obligation also requires transparency and participation. The absence of a prior Environmental Impact Assessment, the absence of a public hearing, and the advancement of procurement without a reasoned alternatives analysis together amount to a breach of fiduciary duty in environmental governance.

127. Therefore, it is most respectfully submitted before this Hon'ble Court that by permitting such irreversible alteration of public resources without adequate scientific, environmental, or public consultation safeguards, the Respondents have failed in their fiduciary duty as trustees of common resources.

128. In view of the above, the impugned actions violate the public trust doctrine and infringe Article 21. The tender notification and all consequential procurement steps are liable to be set aside, and the Respondents be directed not to proceed further in violation of public interest consistent with their trustee obligations.

E. ARBITRARY ADVANCEMENT OF BIDDING PROCESS TO CREATE IRREVERSIBLE COMMITMENTS

129. It is respectfully submitted that the Respondent Authorities have advanced the present tunnel project to a bidding and concession stage in undue haste, thereby attempting to create a *fait accompli*. The issuance of the Request for Proposal (RFP) dated 14.07.2025, fixing stringent timelines for bid submission by 02.09.2025, and the provision in the Draft Concession Agreement for a 34-year concession period including construction and operation, demonstrate that the Authorities are presenting the project as an irreversible commitment even before the underlying issues are objectively evaluated.

130. It is submitted that procurement cannot lawfully be advanced ahead of statutory preconditions. Where prior environmental appraisal, public consultation and metropolitan approvals are required as a condition precedent, the State cannot achieve indirectly through tendering what the law forbids directly. Moving to a concession stage before meeting these preconditions is without jurisdiction and is arbitrary.

131. It is respectfully submitted that the Detailed Project Report itself contains scenario analyses which acknowledge that congestion relief could be achieved by improvements in public transport (Scenario 3 of the traffic study) without such massive financial outlays or discriminatory tolling structures. Yet, despite these admitted alternatives, the authorities have proceeded to initiate an expensive tunnel project and rushed into the tendering process, thus foreclosing rational consideration of less burdensome options. This non-consideration of viable alternatives and simultaneous initiation of the bidding stage amounts to lack of application of mind.

132. It is submitted that the decision to issue the tender without first completing a reasoned evaluation of less burdensome public transport alternatives fails the necessity limb of proportionality. The law requires the State to adopt the least restrictive and most effective option. Commencing procurement forecloses that choice and renders subsequent appraisal illusory.

133. It is respectfully submitted that by issuing tender notices, inviting bids from international participants, and committing to sign the Concession Agreement within 45 days of the Letter of Award, the Respondents are consciously locking public resources into a contractual framework that will be difficult to reverse once bids are accepted. Such steps are designed to compel acceptance of the project as a *fait accompli*, thereby rendering judicial scrutiny or public consultation ineffective by

the sheer weight of commercial commitments already undertaken. (Concession Agreement -Article 3, pg. 13)

134. It is submitted that courts have consistently disapproved executive attempts to create a *fait accompli* in matters involving public resources and environmental risk. The State cannot rush to execute contracts or create commercial equities so as to frustrate judicial review or meaningful public participation. Steps taken to bind the public exchequer in this manner are liable to be set aside as arbitrary.

135. It is respectfully submitted that this approach not only circumvents the requirement of transparent evaluation of alternatives but also imposes an arbitrary financial burden on the public exchequer and on private vehicle users who are selectively targeted for tolls. The *fait accompli* created by moving ahead with the bidding and concession process effectively denies the citizens and this Hon'ble Court the opportunity to consider whether cheaper, more efficient, and socially equitable options exist. This constitutes an arbitrary, unreasonable, and wasteful use of public resources, contrary to constitutional principles of fairness and public interest.

136. It is submitted that compressed bid timelines and an accelerated signing schedule impair fair competition and informed participation. Such haste defeats the requirement of transparency, level playing field and reasoned decision making in public procurement. A process that constrains market

response and bypasses deliberation is unreasonable and violates Article 14.

137. It is further respectfully submitted that the creation of such a fait accompli has serious environmental and economic consequences. The tunnel project entails unprecedented costs exceeding Rs. 8,700 crores for Package 1 alone, long-term financial liabilities over a 34-year concession period, and irreversible environmental impacts due to large-scale excavation and construction. By foreclosing alternatives and binding the State to an expensive contractual regime, the Authorities have not only jeopardised the public treasury but also ignored the ecological costs of such an intrusive infrastructure project. This reinforces that the fait accompli being engineered is arbitrary, discriminatory, and against sustainable development principles.

138. Accordingly, the tender notification and all steps taken toward award of the concession are liable to be quashed. The Respondents be directed to maintain status quo and not proceed with the Impugned Project without following the due process of law.

F. NON-COMPLIANCE WITH GOVERNMENT ORDER NO. UDD 127 PRJ 2022 (TOD POLICY)

139. It is submitted that page 246 of the Revised DPR claims that the proposed tunnel project "incorporates all aspects of Transit-Oriented Development (TOD)". This claim is untenable. The project is designed predominantly for private car usage,

and the mere provision of bus or auto facilities at certain ramps does not satisfy TOD objectives. TOD aims to reduce private vehicular dependence and to strengthen public transport and non-motorised modes. Labelling a car-centric tunnel as a TOD measure frustrates the object of Government Order No. UDD 127 PRJ 2022.

140. It is submitted that Government Order No. UDD 127 PRJ 2022 requires all departments and agencies to align transport investments, street design and land-use decisions with TOD outcomes such as higher public-transport mode share, compact development and non-motorised mobility. No material is placed on record to show that the tunnel proposal was evaluated for compliance with these outcomes or that any reasoned departure from the Policy was recorded.

141. It is submitted that, the TOD Policy emphasizes achieving a higher mode share of public transport, creating a built environment that supports non-motorized transport, enabling shorter commutes through mixed land use, and fostering inclusivity, placemaking, and sustainable urban practices. In sharp contrast, the Tunnel Road is designed to facilitate and incentivize private vehicle usage, thereby diverting investment and attention away from strengthening public transport systems and undermining the essential non-motorized and public transit infrastructure envisaged under the policy. Such a project not only aggravates congestion and vehicular emissions but also entrenches urban sprawl and long-distance commuting

patterns, thereby frustrating the very objectives of the TOD framework.

142. It is submitted that compliance with the TOD Policy necessarily entails a prior analysis of alternatives prioritising mass transit, walking and cycling and appropriate demand-management measures. The record discloses no such analysis. The DPR's assertion of TOD compliance by referencing ramp-side facilities is inadequate to meet the Policy requirements.

143. Instead of fulfilling the major objectives of the 2022 Policy, the Project runs contrary to them. Objective 1 seeks a higher public-transport mode share, yet the Project diverts scarce resources to private-vehicle infrastructure. Objective 2 mandates a built environment conducive to non-motorised transport, yet the Project entrenches road networks that deter walking and cycling and does not advance dedicated, priority bus operations. Objective 3 emphasises mixed land use and shorter commutes, yet the Project fosters longer, private car-based travel. Objective 4 requires inclusivity across economic classes, gender, age and abilities, yet the Project disproportionately benefits private vehicle owners while marginalising the majority who depend on public and non-motorised modes. Objective 5 promises a high quality of life through placemaking and sustainable practices, yet the Project aggravates congestion, pollution and ecological stress.

144. It is submitted that a departure from a binding policy can be sustained only on cogent, recorded reasons that

demonstrate why policy-conforming measures cannot achieve the stated objectives. In the absence of such reasons, the decision is arbitrary in administrative law and is liable to be set aside for non-application of mind.

145. It is further submitted that the TOD Policy, being in full force and effect, continues to be binding upon all authorities, including the Respondents herein, and hence the impugned project is wholly unsustainable, violative of the binding policy framework, and contrary to the statutory mandate for Bengaluru's planned and sustainable development.

146. Therefore, in view of the above, advancement of the Project to tender and concession stages without demonstrating conformity with Government Order No. UDD 127 PRJ 2022 is unsustainable. The tender notification and all consequential steps are liable to be quashed.

G. ARBITRARINESS, NON-APPLICATION OF MIND AND OPAQUE RELIANCE ON A BACKDATED REVISED DPR

147. It is respectfully submitted that the Respondents have sought to advance the project on the basis of inconsistent and misleading documentation, thereby vitiating the entire decision-making process. A "Revised Detailed Project Report" was suddenly released in August 2025, though it is labelled as having been released on February 2025. This revised DPR is essentially the same as the so-called "Final DPR" of March 2025 but with additional inclusions such as summary of cost

estimates, financial analysis, economic analysis, and traffic projections.

148. It is submitted that material changes to a project's technical and financial bases must be supported by minutes, approvals and a traceable record of revisions. Issuing or circulating multiple versions without those foundations defeats transparency and undermines the integrity of the record. It is submitted that the existence of these divergent versions gives rise to serious inferences, either content present in the February 2025 DPR was found unacceptable and removed before the March 2025 version was circulated with the tender, or material was withheld at the tender stage and surfaced later to repair defects. In either event, the procurement is vitiated by non-disclosure and lack of application of mind. Such post-facto alterations without public disclosure or due approval render the project documents unreliable, raise grave doubts about their authenticity, and demonstrate non-transparency in violation of principles of good governance as laid down in *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, (1999) 2 SCC 718.

149. It is submitted that administrative decisions must stand or fall on the reasons that appear from the record at the time the decision is taken. Post-facto supplementation through a backdated document cannot cure foundational defects and indicates non-application of mind at the stage when procurement was advanced. It is further submitted that good governance requires disclosure of version histories, change

logs, and the authority that approved each revision. The absence of these disclosures in relation to the so-called Revised DPR renders reliance upon it arbitrary and unreliable.

150. It is further submitted that at page 258 of the Revised DPR, the Respondents have placed on record preliminary cost estimations for Package 1 and Package 2 of the project, aggregating to an astronomical Rs. 1,77,80,13,00,278 (approx. Rs. 17,780 crores). Such disproportionate allocation of scarce public resources to a single car-centric project, while Bengaluru continues to suffer from inadequate public transport, drainage failures, and infrastructure deficits in essential services is arbitrary, fiscally irresponsible and violative of the State's fiduciary duty under the Public Trust Doctrine.

151. It is submitted that a fiscal commitment of this order required a reasoned value-for-money analysis and a risk assessment that weighs lifecycle costs against demonstrable public benefit. Proceeding without such analysis is unreasonable in public law and vitiates the decision-making process.

152. It is respectfully submitted that at page 270, Table 91 of the Revised DPR, the projected average vehicular growth rate itself shows a clear and consistent decline over the coming decades. By 2047-2057, the growth rate of cars falls from 4% to 2% representing nearly a 50% reduction. This admission in the Respondents' own report demonstrates that long-term trends do not justify an expensive tunnel designed primarily for

private car traffic. Pursuing such a project in the face of declining car growth amounts to irrational and arbitrary planning, directly contrary to sustainable mobility principles.

153. It is submitted that advancing a capital-intensive tunnel designed around private car traffic, despite the Respondents' own projections of declining car growth, fails the tests of rational nexus and proportionality and shows lack of application of mind to long-term demand trends.

154. In view of the above, it is respectfully submitted that the issuance of a backdated "Revised DPR" containing contradictory, inflated and self-defeating projections only reinforces the arbitrariness, non-application of mind and mala fide intent underlying the impugned project. On this ground alone, the project is unsustainable and liable to be set aside.

155. It is submitted that reliance on a backdated and non-transparent Revised DPR, together with contradictory and inflated projections, renders the procurement arbitrary and unsustainable. The tender notification and all consequential steps founded on the Revised DPR are liable to be set aside. The Respondents be directed to disclose all versions of the feasibility and DPR documents with their approval notes and change logs and to undertake any further action only on the basis of a duly approved and transparently disclosed record.

156. The Petitioner reserves liberty to urge such additional grounds as may be found necessary at the time of hearing the above writ petition. The Petitioner has not filed any similar

petition before any other Court. The Petitioner being left with no other efficacious or alternative remedy other than to approach this Hon'ble Court under Article 226 of the Constitution of India for appropriate relief, has filed the above writ petition.

GROUND FOR INTERIM RELIEF

157. It is most respectfully submitted that a strong prima facie case is made out for grant of ad-interim protection. The tender has been advanced without satisfying statutory preconditions: (i) prior environmental appraisal and public consultation under the Environment (Protection) Act, 1986 and the EIA Notification, 2006 (including the General Condition that attracts Category-A appraisal in view of the project's location within 10 km of a critically polluted area), (ii) approval under Section 19 of the BMLTA Act, 2022 and conformity with the Comprehensive Mobility Plan, and (iii) a reasoned alternatives analysis consistent with the TOD Policy (G.O. No. UDD 127 PRJ 2022). The reliance on a state-level "no-EC" opinion, the absence of ToR, draft EIA and public hearing, and the admitted deficiencies in hydrology and geotechnical investigations render the tender and all consequential steps without jurisdiction and vitiated at inception.

158. It is further submitted that, absent interim protection, irreparable injury will be caused and a fait accompli engineered. The Request for Proposal dated 14.07.2025 fixes compressed timelines culminating in opening and evaluation of bids and

issuance of Letter of Award, followed by execution of a 34-year concession with lender-protected termination payments and viability-gap funding. Once letters of award are issued, contracts signed, financial closure achieved, utility shifting undertaken, trees felled and excavation commenced, both environmental injury and fiscal liabilities will become irreversible. Subsequent cancellation would expose the State to heavy termination payouts while the ecological harm cannot be undone.

159. The balance of convenience and public interest are overwhelmingly in favour of maintaining the status quo. The Petitioners seek only to hold the hand of the State until a lawful appraisal is completed namely, Category-A EIA/EC with public consultation, BMLTA/BMPC scrutiny for metropolitan integration, and a reasoned evaluation of less burdensome, public-transport-first alternatives. No prejudice will be caused to the Respondents by an interim restraint, whereas denial of interim relief will defeat judicial review by the creation of third-party rights and long-term fiscal lock-ins.

160. Accordingly, it is prayed that, pending disposal of the writ petition, this Hon'ble Court may stay the operation of Tender Notification No. B-SMILE/SE/TEND/03/2025-26 dated 14.07.2025 and restrain the Respondents from opening or evaluating bids, issuing any Letter of Award, executing any Concession Agreement, achieving financial closure, handing over site, or undertaking any preparatory works including tree-felling, utility shifting, excavation or land acquisition and direct

the Respondents to maintain status quo and place on record the complete decision file (feasibility, DPR versions with approvals, risk and fiscal appraisals).

PRAYER

WHEREFORE, the Petitioners herein most respectfully prays that this Hon'ble Court be pleased to:

- a) Issue a writ of Certiorari or any other appropriate writ, order or direction quashing the Tender Notification dated 14.07.2025 bearing No. B-SMILE/SE/TEND/03/2025-26 issued by Respondent No. 2 for the "Bangalore Twin Tunnel Road" project, together with all consequential steps including publication of the RFP, pre-bid proceedings, bid submission, bid evaluation and proposed issuance of Letter of Award, proceeding further with procurement, award, execution, signing of any concession agreement, signing of any other agreement, financial payments/closure, issuance of work orders, utility shifting, land acquisition, excavation, tree felling or any construction activity in relation to the Project.

- b) Issue a writ of Certiorari quashing the Feasibility Study (December 2024) prepared by Respondent No. 7 and the Detailed Project Report prepared by Respondent No. 6 dated March 2025 and the so-called "Revised DPR" dated February 2025, for non-compliance with mandatory legal standards, internal inconsistencies and non-application of mind.

c) Issue a writ of Certiorari quashing Letter No. SEIAA 80 MISC 2024 dated 26.11.2024 of the State Environment Impact Assessment Authority, Karnataka, purporting to opine that prior Environmental Clearance is not required for the Project.

d) Issue a writ of mandamus directing the Respondents from taking any further steps in execution of the "Bangalore Twin Tunnel Road" project without conducting an environmental impact assessment, preparing mobility planning for underground road construction, preparing a list of specific lands to be acquired for the said project and the process and cost of acquisition, preparing a report consisting of the present utility and drainage maps showing all existing water, storm water, drainage pipes/lines and a diversion plan for the same indicating if any existing pipes/layouts are being affected, preparing list of trees being affected, and other such reports and permissions, not limited to what is stated above, and absent such compliance, the project shall not be taken forward or acted upon in any manner whatsoever.

e) Issue a writ of mandamus directing the Respondents from taking any further steps in execution of the "Bangalore Twin Tunnel Road" project until this Hon'ble Court constitutes an independent multi-disciplinary expert committee comprising specialists in geology, hydrogeology, environmental science, urban planning, traffic engineering, and public health, to assess the likely adverse impacts of the Project on groundwater recharge systems, air quality, noise pollution, soil stability, biodiversity and ecological integrity and to render a report on

the feasibility of the Bangalore Twin Tunnel Project and direct the Respondent No. 1 & 2 thereafter to conduct a public consultation and obtain public approval; and absent such compliance, the project shall not be taken forward or acted upon in any manner whatsoever.

f) Issue a writ of Mandamus directing the Respondents to place the Bangalore Twin Tunnel Road proposal before the Bengaluru Metropolitan Land Transport Authority (BMLTA) for prior approval under Section 19 of the BMLTA Act, 2022, including evaluation for conformity with the Comprehensive Mobility Plan and network integration; and declare that until such approval is granted by a reasoned order, the Project shall not proceed with or acted upon in any manner and in the event any such permission has already been granted, the same may be set aside by this Hon'ble Court.

g) Issue a writ of Mandamus directing placement of the Project before the Bengaluru Metropolitan Planning Committee (BMPC) for metropolitan-level scrutiny and restraining any further action until such scrutiny/approval is obtained.

h) Issue a writ of Mandamus directing a reasoned alternatives analysis and prioritisation of public-transport-centric measures (including Metro/suburban rail expansion, bus priority and fleet electrification, and surface tram options), with comparative social-cost/benefit and timeline analysis, and to adopt the least-cost, least-impact alternative consistent with the National Urban Transport Policy, CMP-2020, Bengaluru

Climate Action & Resilience Plan and the State TOD Policy (G.O. No. UDD 127 PRJ 2022).

i) Issue a writ of Mandamus directing disclosure in the public domain of the complete documentation related to the Bangalore Twin Tunnel Project and direct the Respondents to conduct a time-bound and transparent public consultation with a feedback on suggestions accepted/rejected with substantive reasoning prior to any development Project in Bengaluru.

j) Declare that delegating procurement-stage statutory consents (including but not limited to pollution-control consents, tree-felling permissions with compensatory plantation plans, land acquisitions, scientific studies, reports and fire/disaster clearances) to a future concessionaire is impermissible, and direct the State/BBMP to conduct and obtain the same prior to the planning stage and before issuance of tender date and before initiating any procurement.

k) Call for the entire records leading to the impugned decisions, including internal notes, committee minutes, file notings, clarifications to bidders, and the basis for the SEIAA letter, for this Hon'ble Court's kind perusal.

l) Pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interests of justice and equity.

INTERIM PRAYER

Pending disposal of this Writ petition, this Hon'ble Court may be pleased to stay the tender notification dated 14.07.2025 bearing No. No. B-SMILE/SE/TEND/03/2025-26, and restrain the Respondents, their officers, agents, contractors and all persons claiming through or under them from opening or evaluating bids, issuing any letter of award, executing any concession agreement, achieving financial closure, handing over site or creating third-party rights, and from undertaking any preparatory or on-ground activity in furtherance of the Bangalore Twin Tunnel Project, including release of payments, utility shifting, land acquisition, tree felling, excavation or construction, until further orders of this Hon'ble Court.

PLACE: BENGALURU
DATE: 15.09.2025

ADVOCATE FOR PETITIONERS

Address for Service

M/s. Frontline Law Partners
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Bangalore – 560070
Email – admin@frontlinelaw.in
Ph No – 9886333413; 8618628858

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
(ORIGINAL JURISDICTION)

WP (Pit) No. /2025
(in the Matter of 'A' Public Interest u Cigar mr

BETWEEN:**PRAKASH BELAWADI**

S/o Late BN Narayans
Aged about 64 years
Residing at *2 76/C, 37th A Cross, 8th Block,
Jayanagar, Bangalore South,
Karnataka - 560070
Mobile No: S448DS0\$41
PAN No.: ADZPB3713F
Aadhaar No.: 5986 0988 3627
E-mail: prakashbelawadi@gmail.com

PETITIONER

AND:

1) STATE OF KARNATAKA

Represented by Its Principal Secretary
Urban Development Department,
Vidhanu Solid ha, Bengaluru - 56000 1.

RESPONDENT
NO. 12) GREATER BENGALURU AUTHORITY
(GBA) (ERSTWHILE B0MP)

Represented by its CfileZ Cowm/ss/oner,
GBA Head Office, NR Square,
Bengaluru - 560002.

RESPONDENT
NO. 23) BENGALURU SMART INFRASTRUCTURE
LIMITED (B-SMILE)

A company Incorporated under the
Com pen res Act, 2013.
Office at: 301, 3* Floor, UNI Building,
Vasa nt Na gar, HKP Road,
Bengaluru - 560051.

RESPONDENT
NO. 3

- 4) STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - KARNATAKA (SEIAA - KARNATAKA)
An Authority constituted by Ministry of Environment, Forests & Climate Change, Government of India, under Section 3(3) of the Environment Protection Act, 1936.
Having its Office at: Room NO. 706, 7th Floor, 4th Gate, MS Building, Bengaluru - 560001.
Represented by its Member Secretary.
- RESPONDENT NO. 4
- 5) DIRECTORATE OF URBAN LAND TRANSPORT(DULT)
An Authority established under the Urban Development Department, Government of Karn 3 taka.
Having its office at: BMTCL TTM 'B' Block (Above Bust Stand), 4th Floor, KH Road, Shantnagar, Bengaluru 560027.
Represented by its Commissioner.
- RESPONDENT NO. 5
- 6) DEPARTMENT OF HORTICULTURE, GOVERNMENT OF KARNATAKA
Vidhan Soudha. Dr. Amhedkar Veedhi, Bengaluru - 560001.
Represented by its Principal Secretary
- RESPONDENT NO. 6
- 7) GEOLOGICAL SURVEY OF INDIA SOUTHERN REGION, KARNATAKA UNIT
An Authority established under the aegis of the Ministry of Mines, Government of India
Having office at: Dayanand Sagar College Road, Kumarswani Layout, Bengaluru -560011.
Represented by its Additional Director (Genet al.
- RESPONDENT NO- 7



MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226
OF CONSTITUTION OF INDIA, 1950 READ WITH
RULE 14(1) OF THE HIGH COURT OF KARNATAKA
(PRACTICE AND PROCEDURE FOR PUBLIC INTEREST
LITIGATION RULES, 2018).

The Petitioner humbly submits as hereunder:

1. The Petitioner has no personal interest in the litigation and the petition is not guided by self-gain or for gain of any other person/institution/body and there is no motive other than of public interest in filing this writ petition. The petitioner has preferred this writ petition in the nature of public interest litigation for the reason that the Respondent Nos, 1 to 3 are proceeding with an illegal public project without adherence to the rule of law and procedural fairness; without adherence to the mandate under Sections 19 and 21 of BMLTA Act, 2022; the requirement of inclusion of the project within the Comprehensive Mobility Plan of Bengaluru, in violation of Article 21 of the Constitution of India, 1950 regarding protection of environment and in violation of the mandate of the government to protect national monuments declared as such by the Geological Survey of India & such other violations. The Petitioner is a law-abiding citizen of the nation and has the highest respect for the Constitution and procedure established by law.
2. It is submitted that the information and the documents have been sourced through authorized channels including that of the official websites/portals/media handles of the Respondents. Other Information has been secured from reliable experts whose identity cannot be disclosed in this Writ Petition as such



disclosure may jeopardize their professional position and lead to adverse consequences.

3. It is submitted that this petition is filed for the benefit of society at large especially who commute daily through public or private transport within and around the city of Bengaluru, Karnataka. This petition calls in question the Illegal, Irrational, arbitrary and unreasonable decision taken by the Respondent No. 1 to 3 in proceeding with the Tunnel Road Project. As such, the said individuals belonging to the middle and lower-income groups, are scattered across Bengaluru Urban & Rural District and older surrounding districts, hence, they are incapable of accessing the courts themselves. Moreover, many such individuals may not even be aware of the provisions available under law to challenge such arbitrary decisions taken by the concerned Respondents. Hence this PIL.
4. It is submitted that, to the knowledge of the Petitioner, no adverse effect will be caused to the Respondents arrayed herein and to the knowledge of the Petitioner no other persons/bodies/institutions are likely to be affected by the orders sought in the writ petition except those who may have submitted a tender in response to the Invite made by the Respondent No. 3. However, the details of such entities being confidential and not within the access of the Petitioner, the Petitioner is not in a position to implead them as party Respondents. Despite the above, it is submitted that no adverse impact would be caused to such entities as the Respondent No. 3 is at liberty to refund the earnest money deposit, if any.



5. The Petitioner is a resident of Bengaluru who is engaged as an author, theatre teacher and Journalist. The Petitioner is also a founding member of *Citizens for Bengaluru*, an active platform for people to engage with the city government to make it accountable to citizens. The Petitioner is also part of the *Bengaluru loivn Hal!* movement, comprising civic activists, urban planners, legal professionals, and residents' welfare associations, actively engaging in raising concerns over sustainable urban planning and environmental considerations, among other interests. The Petitioner has been constantly involved in espousing various causes that are socially concerning and involving larger public interest. The Petitioner is bearing the costs of the litigation including the lawyer's fees from his personal income, it is submitted that the Petitioner has the means to pay the costs, if any, imposed by this Hon'ble Court and on an undertaking to the Hon'ble Court in that respect.

6. It is submitted that, the Petitioner has made multiple oral and public requests to the concerned Respondents demanding them to scrap the Impugned Tunnel Road Project in Bengaluru. However, no formal representation has been made to that effect.

7. It is submitted that, the Petitioner has not preferred any other PIL or Letter Petitions prior to filing of the instant Petition as regards the impugned project.

8. About the Parties:

8.1, The Petitioner is a resident of Bengaluru who is engaged himself as an author, theatre teacher and journalist. The Petitioner is involved in espousing various causes that are



socially concerning and Involves larger interest of the public.

8.2. The Respondent No. 1 is the Urban Development Department, Government of Karnataka, under whose aegis the proposed Tunnel Road Project planned by the Respondent. No. 2 - GBA/BBMP Is being Implemented by the Respondent No. 3. The Respondent No. 2 - GBA/BBMP works under the supervision and guidance of the Respondent No. 1, The Respondent No. 1 Is represented by its Principal Secretary.

8.3. The Respondent No. 2 is the Greater Bengaluru Authority (erstwhile BBMP) that is represented by its Chief Commissioner under whose supervision the Impugned Tunnel Road Project is being executed by the Respondent No. 3.

8.4. The Respondent No. 3 is Bengaluru Smart Infrastructure Limited (B-SMILE), a company Incorporated under the provisions of the Companies Act, 2013. This entity is a Special Purpose Vehicle set up by the Respondent No 1 & 2 for the purpose of executing infrastructure projects in Bengaluru. The Respondent No. 3 has issued a Notice Inviting Tender (NIT) through the Karnataka Public Procurement Portal (KPPP) calling upon interested individuals to submit, bids to execute the impugned Tunnel Road Project (North-South Corridor) In Bengaluru. The Respondent No. 3 is represented by its Chief Executive Officer (CEO).



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- 8.5. The Respondent No. 4 is the State Level Environment Impact Assessment Authority - Karnataka (SEIM - KARNATAKA) which is an authority constituted by Ministry of Environment, Forests & Climate Change, Government of India, under Section 3(3) of the Environment Protection Act, 1986, The Respondent No. 4 has addressed a letter to the Respondent No. 2 - BSMP indicating that the Impugned Tunnel Road Project does not require any prior environmental clearance under the ETA Notification, 2006. The same is also under challenge in this PIL. Hence, the Respondent No. 4 has been made a party to this Petition. The Respondent No. 4 is represented by its Member Secretary.
- 8.6. The Respondent No. 5 is the Directorate of Urban Land Transport, which is an authority established under the Urban Development Department, Government of Karnataka for the purpose of coordination, planning, and implementation of urban transport projects and programs, The Respondent No. 5 also functions as the secretariat to the BMLTA under Section 11 of the BMI TA Act, 2022, The Respondent No. 5 is represented by its Commissioner.
- 8.7. The Respondent No. 6 is the Department of Horticulture, Government of Karnataka under whose aegis the public parks in Karnataka are maintained as per the applicable provisions of law, including the Karnataka Parks (Preservation) Act 1975, The Lalbagh Botanical Gardens, Bengaluru is one such park protected under the said Act. The impugned Tunnel Road project proposes to acquire 6 acres of Lalbagh which is under the custody of the

Respondent No. 6. The Respondent No. 6 is represented by its Principal Secretary.

8.8. The Respondent No. 7 is the Geological Survey of India. The Respondent No. 7 is an authority established under the aegis of the Ministry of Mines, Government of India. The Geological Survey of India identifies "National Geological Monuments" within India which are supposed to be protected by both Government of India and the respective state governments. The "Peninsular Gneiss" situated at Lalbagh Botanical Gardens is a National Geological Monument and is over 3000 million years old. The impugned tunnel road project passes through the said monument. The Respondent No. 7 is represented by its Additional Director General.

9. Facts of the case:

9.1. On 30.09.2023, BBMP invited bids from consultants for the purpose of "consultancy services for preparation of Comprehensive Bengaluru City Road Infrastructure Plan to decongest traffic and to prepare comprehensive traffic management plan for proposal of vehicular tunnel/Grade separator/ Road widening in selected corridors". Pertinently, the scope of work did not include the need to study the feasibility of any tunnel road corridor in Bengaluru. A copy of the Request for Proposal (RFP) dated 30.09.2023 is produced herewith as ANNEXURE - A.



9.2. In December 2023, BBMP selected M/s. Altinok Consulting Engineering Pvt. Ltd., New Delhi, in a joint venture with M/s- Lion EnglnacrlnQ Consultants Pvt. Ltd. as a consultant for preparing the Comprehensive Bengaluru City Road Infrastructure Plan. Immediately thereafter, multiple reports surfaced regarding the consultant being previously blacklisted by multiple government and statutory bodies. Despite the same, BBMP proceeded with the said consultant.

9.3. On 30.05.2024, much prior to the release and detailed study/analysis of the Feasibility Report in terms of the *Comprehensive Bengaluru City Road Infrastructure Plan* that was under preparation; BBMP, prematurely & hastily proceeded to open bids to prepare the Detailed Project Report (DPR) for the Tunnel Road Project. A copy of the Request for Proposal (RfP) dated 30.05.2024 is produced herewith as ANNEXURE - B.

9.4* Pertinently, at this stage, no legal, technical or environmental study was conducted by the BBMP.

9.5. In July 2024, M/s. Rodic Consultants was selected by BBMP to prepare the DPR for the impugned project. Even at this juncture, several reports surfaced regarding previous bans/b lack listing of engineers and other associates of Rodic Consultants by government bodies. Despite the same, the BBMP proceeded to engage the services of Rodic Consultants.



- 9.6. On 22.07.2024, BBMP, in the absence of a OPR, prematurely sought for the approval of the State Government for the Tunnel Road Project by merely submitting the Feasibility Report that was prepared in terms of the *Comprehensive Bengaluru City Road Infrastructure Plan*.
- 9.7. Thereafter, on 25.07.2024, as per Section 19 of the BMLTA Act, 2022, the BBMP sought for review and approval of the Tunnel Road Project at the hands of the Respondent No. 5 BMLTA.
- 9.8. In response to the request made by the BBMP, the State Cabinet, accorded approval for the Tunnel Road Project sans any expert recommendations, technical analysis or study (including environmental impact assessment) and without the mandatory statutory approval from the BMLTA & inclusion of the project in the CMP of Bengaluru. Accordingly, a Government Order bearing No. NAE 34 MNY 2024 (Ej dated 04.09.2024 was issued by Respondent No. 1. A true copy of the Government Order bearing No. NAF 34 MNY 2024 (E) dated 04.09.2024 is produced herewith as ANNEXURE - C ("*impugned Government Order*"),
- 9.9. Pertinently, the impugned Government Order, while according approval for the Tunnel Road Project, categorically records that: such approval was sought for by the BBMP subject to the approval of the BMLTA in accordance with the statutory mandate. The relevant portion of the Impugned GO and its translation are extracted below for ease of reference of this Hon'ble Court.



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"Subject CO the approval of the Bengaluru
 Metropolitan Land Transport Authority
 (BM LT A), which is empowered to approve all
 major urban transport projects in the city of
 Bengaluru, and in view of the above-mentioned
 facts, the Chief Commissioner, BBMP has
 requested for approval for the tunnel road project
 in terms of the following: ..."

(Emphasis supplied)

9.10. Meanwhile, in the aftermath of the collapse of the Siikyara tunnel in Uttarakhand In November 2023 during construction phase, the Ministry of Road Transport & Highways (MoRTH), Government of India, constituted a panel of Experts for Tunnel Projects through a circular dated 06.09.2024. A true copy of the Circular bearing ND. NH -120 37/8/20 24/Tijnrid/Misc/Nortli-1 dated 06.09.2024 Issued by the Superintending Engineer, For Director General (Road Development) & Special Secretary, MoRTH Is produced herewith as ANNEXURE - D.

9.11. Pertinently, for long tunnels (> 1,5 knis), a framework was established for obtaining prior expert advice on "geoiogcal/g eot echnica1/ geop h vs icat sturtles, a/ignn le n r report, design or tunnel,, including electro-mechanical



works, instrumentations and safety measures during construction and operations along with cost estimates".

9.12. In September 2024, the draft DPR of the tunnel Road Project prepared by M/s. Rodic Consultants was released by the BBMP. Or- perusal of the same, multiple reports surfaced regarding the authenticity and technical viability of the said DPR In view of the same being a "copy-paste Job" from another DPR and carrying portions from earlier projects in Maharashtra. A copy of the report dated 07.01.2025 published by NewsIS (English Edition) is produced herewith as ANNEXURE - E.

9.13. On 24.10.2024, as per the proposal to constitute a panel of Experts for Turin EI Projects vide the aforementioned Circular dated 06.09.2024, MoRTH issued a checklist for submission of proposals for long tunnel projects (> 1.5 kms). Pertinently, at SL No. 13 of the checklist, "Environmental Impact Assessment" was made mandatory for such tunnel projects. A true copy of the Circular bearing No. MH-12037/8/2024/Tunnel/Misc/North-1 dated 24.10.2024 along with its Annexure Issued by the Assistant Executive Engineer, For Director General (Road Development) & Special Secretary, MoRTH is produced herewith as ANNEXURE - F.

9.14. On 05.11.2024, the Respondent No. 5 DULT, which works as the secretariat of the BMLTA as per Section 11 of the BMLTA Act. 2022, abdicating from its statutory responsibility, failed to reject the Tunnel Road Project and merely provided its review of the proposal submitted by



BSMP. A true copy of the letter bearing No. DULT-TCCH/31/2024/727 dated OS. 11.2024 issued by the Director, 'Office of DULT-tiiitjg^BBM P a lotig with the Techn ical Review Report and its Annexures is produced herewith 3? ANNEXURE - G.

CJ 15. Pertinent ly, a perusal of the review report of the DU LT would indicate that it categorically records the non-alignment of the Tunnel Road Project with Bengaluru's approved CMP and the need for an E1A, among other objections. The relevant portion of the- Review Report of DU LT dated November 2024 is extracted below for ease of reference of this Hon'ble Court.

"In the proposed alignment, a col? Wet between Raiakaluve feeding Hebbal lake and the tunnel alignment (ramp portion at Hebbal) is observed.

The tunnel construction may have an impact on the surface and underground water bodies. A detailed Environmental Impact Assessment which covers these aspects as well is crucial at the feasibility stage of the project.

However, such a study does not seem to have been carried out for the feasibility report. If such information is available kindly include it in the study details.'

"There is no prior experience in the state Or with BBMP to implement such large (14.5m twin tube), deep tunnels.

Hence, before taking up such a large investment proposal it is pertinent that a detailed feasibility study be undertaken by BBMP to address the above observations made on the feasibility report and by involving relevant experts in relevant field of urban/ transport planning, civil engineering, geology, seismology, rock mechanics, earth sciences, environmental science to scientifically assess that the proposal:

1. Is impactful and COSL effective in reducing congestion on surface roads and Junctions (through a scientific demand and traffic analysis) by duly considering all other committed or planned projects of the Government.
2. There is no or minimal impact on environment and ecology in the city. If some Impacts are expected, ensure that cost-effective mitigation measures exist and can be taken up with the project scope.
3. The geological and seismic conditions prevailing in the city and along the proposed alignment.

It may be noted that the objectives of the proposed north-south tunnel road do not align with the objectives and goals of the approved Comprehensive Mobility Plan for Bengaluru | the Climate Action Plan Of BBMP or the National Urban Transport Policy of the Government of India (a directive by Govt for development of mobility solutions in urban areas). Hence, alternative short-length strategic alignments where such tunnels may play critical role in improving connectivity of existing road network may be explored:

(Emphasis supplied)

9.16. At the same time, in response to BBMP's request for approval for the Tunnel Road Project (~1.8 km), the SEIAA (Kometeka4TLespondenrjMo. 4), without relying on the aforesaid Circulars of the MoRTH regarding manHBECrjrETA to be undertaken for long tunnel projects (> 1.5 km), recorded that, the said project is exempt from obtaining Environmental Clearance under entry 7(f) of the EIA Notification, 2006 by way of a letter dated 26-11-2024 addressed to the BBMP. Pertinently, entry 7(f) deals with National Highways. A true copy of the letter bearing No. SEIAA 80 MISC 2024 dated 26.11.2024 is produced herewith as ANNEXURE - H. A copy of the Schedule to the BIA Notification, 2006 containing the "List of Projects or Activities Requiring Prior Environmental Clearance" is produced herewith as ANNEXURE - J.

9.17. On 03.12.2024, despite having opined against the Tunnel Road Project vide Annexure G supra, the Commissioner, DIJLT (who also functions as the CEO of BMLTA) suggested BBMP to not consider their review of the project as comments of the BMLTA. Instead, contradictory to their statutory mandate, the DUET diverted BBMP to seek the "considered opinion" of the Urban Development Department (LIDD) of Government of Karnataka regarding the Tunnel Road Project, which is *prime facie* illegal and against the legal mandate. A true copy of the letter bearing No. DULT-TECH/31/2024/848 dated 03.13-2024 issued by the Commissioner, DU LT in favour of BBMP is produced herewith as ANNEXURE - K.



9.18. On 20.12.2024, BBMP published the Final Feasibility Report titled "*Comprehensive Bengaluru City Traffic Management Infrastructure Plan*" incorporating a proposal to construct the two Tunnel Road projects crossing Bengaluru at a cost of more than INR 40,000 crore. A perusal of the sketch of the said Tunnel Road projects would indicate that the same would cut through the storm water valley of Hebbal Lake and Laibagh Botanical Gardens leading to significant environmental damage and negative impact on the Lalbagh Rock, a declared national monument by the Geological Survey of India. A copy of the relevant portion of the Final Feasibility Report dated 20.12.2024 is produced herewith as ANNEXURE - L.

9.19. In January 2025, in view of the "copy-paste-job" carried out by M/s. Rodic Consultants and multiple errors in the DPR, the BBMP was compelled to impose a penalty of INR 5,00,000/- on them. A true copy of the news report published by *The Hindu* dated 08.01.2025 is produced herewith as ANNEXURE - M.

9.20. Thereafter, in March 2025, the Final Detailed Project Report (DPR) was prepared by Rodic Consultants and published by the BBMP. A copy of the Final Detailed Project Report (DPR) dated March 2025 is produced herewith as ANNEXURE - N.

9.21 On 07.04.2025, In view of certain irregularities and absence of technical experts to assess the viability and other aspects of the DPR, the Government of Karnataka constituted a committee headed by Shri Siddanaguwda



Heggaradi, Executive Director (Civil), BMRCL to study the DPR, by way of a Government Order. This committee,, which is in the nature of an Ad-Hoc Committee, has been established with an intent to overcome the statutory mandate under Section 19 of the SMLTA Act, 2022, R4A true copy of the Government Order bearing No. NAE 34 MNY 2024 (E) dated 07.04.2025 issued by the Respondent No. 1 is produced herewith as ANNEXURE - P.

9-22. On 14.07.2025, despite immense public demands to scrap the Tunnel Road Project across sections of society and higher tier aspects mentioned above and below, the Respondent No. 1 & 2, through B-SMHE (Respondent No. 3), published a Notice Inviting Tender (NIT) calling for bids for construction of the North-South Tunnel Road project from Hebhal to Silk Board Junction, A copy of the Notice Inviting Tender (NIT) bearing No. B-SMILE/SE/TEND/03/2025-26 dated 14.07.2025 issued by B-SMILE is produced herewith as ANNEXURE - O. The deadline has been extended twice by the concerned Respondent.

9.23. On 02.09.2025, MoRTH, by way of a Circular, has issued a "Standard Operating Procedure (SOP) for NH Tunnel no/ Alignment Studies and Approval", This SOP specifically directs tunnel alignments to be avoided in "existing urban settlements" and prescribes for Environmental & Forest considerations to be looked into. A true copy of the Circular bearing No. NH-12037/3/2025/Tunnel/Zane-I dated 12.09.2025 along with its Annexure issued by the Assistant Executive Engineer, For: Director General (Road



Development) ft Special Secretary, Mo A TH fs produced herewith as ANNEXURE - R.

9.24 .In the first week Of October 2025, multiple newspaper reports surfaced regarding the Impugned Tunnel Road Project acquiring around 6 acres of land of Lalbagh Botanical Gardens and that the said project would be cut through the Lalbagh Rock, a protected National Geological Monument. A true copy of the news report published by Times News Network dated 06. 10.2025 is produced herewith as ANNEXURE - S. A true copy of the news report published by The Hindu dated 05.10.2025 Is produced herewith as ANNEXURE - SI.

9.25. Pertinently, the Lalbagh Rock, situated within the Lalbagh Botanical Gardens is National Geological Monument. A copy of the Answer provided on the floor of Lok Sabha dated 28.04.2016 In Unstarred Question No. 15 along with Annexure issued by the Minister of State for Mines & Steel Indicating the same is produced herewith as ANNEXURE - T.

9.26. At the same time, the Land Acquisition Plan prepared at the request of B-SMILE (Respondent No. 3) with respect to the Tunnel Road Project was also released. A perusal of the said Plans, more specifically, at the Hebbal Lake and Lalbagh Botanical Gardens, would indicate the damage that will be caused to the storm water valley of Hebbal Lake and the Lalbagh Rock, apart from the other portions of Lalbagh Lake. A copy of the Land Acquisition Plan (Hebbal) bearing Drawing No. SSP/DWG/24-25/002 dated 30.08.2025



prepared at the request of B-SMILE is produced herewith as ANNEXURE - V A copy of the Land Acquisition Plan (Hebbala) bearing Drawing No. SSP/DWG/ 24-25/007 dated 30.08.2025 prepared at the request of B-SMILE is produced herewith as ANNEXURE - VI. A copy of the Land Acquisition Plan (Lalbagh) bearing Drawing No. SSP/DWG/24-25/002 dated 30.08,2025 prepared at the request of B-SMILE is produced herewith as ANNEXURE - V2.

9.27. In the first week of October 2025, the officials of the Respondent No. 1 to 3 also visited the Lalbagh Botanical Gardens and cordoned off the area that is the subject matter of the proposed acquisition for the impugned Tunnel Road Project. Photographs of Lalbagh Botanical Gardens indicating the above are collectively produced herewith as ANNEXURE - W, W1 & W2, respectively. A perusal of the said photos would further strengthen the case that a large portion of Lalbagh, i.e., approximately 6 acres will be damaged due to the impugned project. Including the Lalbagh Rock. Such monuments are required to be protected by the Respondents,; Any construction that will damage the monument at Lalbagh is illegal and therefore cannot be permitted. Additionally,, the Respondent No. 6 cannot allow for such construction activity to be carried out in Lalbagh which is protected Under the *Karnataka Parks (Preservation) Act, 1975*.

9.28. The Report of the Expert Committee constituted vide *Annexure - P* supra bearing Government Order bearing MO. RAE 34 HNY 2024 (E) dated 07.04.2025, was not



released by the Respondent No. 1 to 5 despite multiple requests by the public CO release the same. This Committee, which had to review the apparent faults in the DPR for the impugned project, had submitted a detailed report on 05.05.2025 to the Respondent No. 1 containing a list of objections to the project. A copy of the relevant portion of the Report of the Expert Committee dated 05.05.2025 is produced herewith as ANNEXURE - X.

9.29. A perusal of the said Report would indicate that the impugned project needs re-examination in view of the environmental sensitivity of Laibagh Botanical Gardens where a shaft has been proposed. It also observed that the proposal to divert the existing nallah at the downstream of Hebbal Tank Weir is unrealistic. It also observed that the DPR for the project lacked 'Environmental Impact Assessment', 'Tree enumeration and relocation plan', 'Environmental Impact Assessment and Environmental Mitigation Plan', 'Comprehensive Disaster Management and security Plan' and 'Hydraulic design calculations for nallah diversion and storm water drainage' - which were identified as "missing important elements".

9.30. The Expert Committee report exposed the fact that the DPR as well as the reply received from the DPR consultant during review, did not address the damage that would be caused to aquifers which is a high-risk item for tunnelling.

9.31.11 also exposed the fact that the DPR has failed to consider that Bengaluru City has high risks of flash floods and water



logging and this issue has not been addressed at all in the DPR. Despite the above, the Respondent No, 3 - BSM1LE is proceeding with the impugned project In contravention of the statutory mandate and other grounds urged below. Multiple newspapers also covered the flaws pointed out by the Expert Committee. A true copy of the news article published by the Times of India (English) dated 14.10.2025 is produced herewith as ANN EXU RE - Y. A true copy the news article published by The Hindu (English) dated 13.10.2025 is produced herewith as ANN EX LIRE - YI.

10. Declaration:

- 10.1. It is submitted that to the knowledge of the Petitioner, the issue raised in the present petition has not been previously dealt with or decided by this Hon'ble Court except in WP No. 28664/2025 (which is pending adjudication) in which a similar issue has been raised by the Petitioner therein. It is submitted that Petitioner has taken all reasonable care to gather information before making this declaration,
- 10.2. It is submitted that the petition is filed purely in Public Interest and not at the Instance of any person or organization other than the Petitioner.
- 10.3. The Petitioner submits that there are no other alternative efficacious legal remedies for the redressal of grievances put forward in this Petition, except to approach this Hon'ble Court in its writ jurisdiction. The Petitioner also submits that they have not initiated any other proceedings on the same cause of action either before this Hon'ble Court or in



any other court or authority or is pending before any authority. Court or Tribunal.

II. Grounds: The Petitioner most respectfully submits that the Tunnel Road Project proposed by the Respondent No. 1 & 2 and being implemented by the Respondent No. 3, suffers from multiple legal infirmities and constitutional violations, warranting Intervention by this Hon'ble Court. The same are mentioned below.

11.1. Judicial Review is warranted in the Tunnel Road

Project:

- (i) It is submitted that, judicial review is Warranted when there is "illegality, irrationality or procedural impropriety and When policy decisions are "totally arbitrary; contrary to the law; or taken without proper application of mind". The Hon'ble Supreme Court In *Devesh Sharma v. State of U.P. (2023) INSC 704*, has reiterated the same. Relevant extracts from the said judgement are extracted below for ease of reference of the Hon'ble Court

"... 73. It is absolutely no doubt in our mind that policy decisions of the Government should normally not be interfered with, by a constitutional Court in exercise of its powers; of judicial review. At the same time if the policy decision itself is contrary to the law and is arbitrary and irrational, powers of judicial review must be exercised.

74. A policy decision which is totally arbitrary; contrary to the law, or a

decision which has been taken without proper application of mind, or in total disregard of relevant factors is liable to be **Interfered with, as that also i& the mandate of law and the Constitution.** This aspect has been reiterated by this Court time and again.

75. Judicial review becomes necessary where there is an illegality, irrationality or procedural impropriety. These principles were highlighted by Lord Diplock in *Council of Civil Service Unions v. Minister for the Civil Service* (1984) 3 All ER 935, (1985) 11 C.L.J. 374, (1984) 3 WLR 1174 (HL) (commonly known as CCSU case). The above decision has been referred by this Court in *State of NCT of Delhi v. Sanjeev* (2005) 5 SCC 181. This view was reiterated again by this Court in *State of M.P. v. Mala Banerjee* (2015) 7 SCC 698

"6. We also find ourselves unable to agree with the appellants' submission that this is a policy matter and, therefore, should not be interfered with by the courts. In *Federation of Railway Officers Assn. v. Union of India* [(2003) 4 SCC 289], this Court has already considered the scope of judicial review and has enumerated that where a policy is contrary to law or is in violation of the provisions of the Constitution or is arbitrary or irrational, the courts must perform their constitutional duties by striking it down. *

76. In *Brij Mohan Lal V, Union of India* (2012) 6 SCC 502. this Court, reiterated on this aspect and made out a distinction as to where an interference to a decision is required and whereas it is not: —

"100, Certain facts, whether this Court should or not interfere in the policy



decisions of (he State, as stated In other judgments, can be summed up as:

(I) If the policy fails to satisfy the test of reasonableness, it would be unconstitutional.

(II) The change In policy must be made fairly and should not give the impression that it was so done arbitrarily on any ulterior intention.

(III) The policy can be faulted on grounds of mala fides, unreasonableness, arbitrariness or unfairness, etc.

(IV) If the policy is found to be against any statute or the Constitution or runs counter to the philosophy behind these provisions.

(V) It is dehors the provisions of the Actor legislations.

(VI) If the delegate has acted beyond its power of delegation

101. Cases of this nature can be classified into two main classes: one class being the matters relating to general policy decisions of the State and the second relating to fiscal policies of the State In the former class of Cases, the courts have expanded the scope of judicial review when the actions are arbitrary, mala fide or contrary to the law of the land while in the latter class of cases, the scope of such judicial review is far narrower. Nevertheless, unreasonableness, arbitrariness, unfair actions or policies contrary to the letter, intent and philosophy of law and policies expanding beyond the permissible limits of delegated power

will be instances where the courts will step in to interfere with government policy.”

(Emphasis supplied)

- (if) The Tunnel Road project satisfies all grounds for judicial intervention: (a) Illegality lies in violation of mandatory provisions of the *BMLTA Act, 2022*, *Karnataka Parks (Preservation) Act, 1975* constitutional provisions, and other environmental laws; (b) irra buna illy lies in manifest arbitrariness in ignoring the technical/scientific findings of experts, in discriminatory classification and incorrect cost-benefit analysis; and (c) procedural impropriety lies in bypass of mandatory consultation and approval processes which pre-date any sort of review/study by experts. All of the above have been elaborately dealt with in the grounds urged below.

11? Violation of the mandatory provisions of the Bengaluru Metropolitan Land Transport Authority Act, 2022 :

- (i) Section 19(2) explicitly prohibits project initiation without prior approval. The same is extracted below :

“19(2) No authority, agency, department or body under Government shall initiate any public, private or public-private partnership project concerning Urban Mobility without obtaining prior approval of the Authority.”



- (ii) Section 19(4) empowers BMLTA to "(Meet such agencies to pull down, demolish or remove any development undertaken contrary to such decision. *"
- (iii) Section 21 mandates BMLTA to prepare a Comprehensive Mobility Plan within 2 years. Including "integration of social, economic, and spatial development policies¹" and "complete road network, public transport routes."
- (iv) Despite the BMLTA Act, 2022 coming into force in the year 2023, the Respondent No. 1 failed to establish the same in both letter and spirit and secure its approval for the Tunnel Road Project as per the law. The Review Report of the DULT at Annexure - G *supra*, would also indicate the same. The relevant portion of the Review Report of the DUL1 is extracted below for ease of reference.

"The Bengaluru Metropolitan Land Transport (BMLTA) Act 2022 notified in 21.01.2023 came in force from March 2023. The BMLTA (Authority) is headed by the Chief Minister of Karnataka and has representation of Bengaluru Development Minister, Transport Minister, a Minister elected from Bengaluru, heads of relevant departments and non-official members from academia and civil society. Section 19 of the BMLTA Act provided power to the Authority to review and approve all major mobility related projects in the BMLTA jurisdiction (currently Bengaluru



Metropolitan Area > before taking them up for implementation. The Directorate of Urban Lona Transport (DULY) is the seotetariaL&LJZMLTA and the Commissioner. DULY is the CEQ of the BMLTA;"

As such, the BBMP had submitted the Feasibility Study Report of the>roposed northzSOtJth corridctr on 20.07.2024 for review and approve/ of BMLTA. The f)Ui.T, secretariat to BMLTA has carried out a detailed technical review of the proposal (feasibility report) and the technical observati&iis/cQmments are documented for consideration Of BBMP.

(Emphasis supplied)

(v) Section 4 prescribes for constitution Of Hie BMLTA. The provision reads as under:

"4. Constitution of the Bengaluru Metropolitan Land Transport Authority.

(.1) The State Government shall, as soon as possible after the commencement of this Act, but not later than six months from the date of its commencement, by notification, establish an Authority to be called the Bengaluru Metropolitan Land Transport Authority consisting of the following members, namely:

(Fmpl<asis suppli'-a)

(vi) Since Section *? is a Tandatory provision that cannot absolve the Respondent Na. 1 from constituting the

BMLTA. Without having 50 done within the time prescribed, the Respondent No. 1 could not have proceeded With the impugned Project by rrsuiny the impugned GO as approval of the proje< 1 by BMLTA is *sine qua non*. The lack of such approval would therefore render She enter exercise being carried out by the Respondent Nos. 1. to 3 illegal and non-psr In the eyes of law. Hence, the Petition deserves to be allowed orr this ground alone.

1. 1.3. Impugned Government Order according nreject approval could not have been issued without approval of the BMLTA:

- (i) The impugned GO explicitly records that the approval sought for by the BBMP at the hands of the Respondent No. 1 was subject to the approval of the Tunnel Road Project by the BMLTA. The relevant portion of the impugned GO and its translation are extracted below for ease aF reference of this Hon'ble Court.

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' Subject to the approval of the Bcnqaluru Metropolitan Land

Transport Authority (SMIT A), which is empowered to approve all major urban transport projects in the city of Bengaluru, and in view of the above-mentioned facts, the Chief Commissioner, BBMP has requested for approval for the tunnel road project in terms of the following: “

(Emphasis supplied)

(JI) In view of the statutory mandate as mentioned above, the Respondent No. 1 had no authority to accord approval for the Tunnel Road Project without prior approval from the EMLTA. In other words, the BBMP could not have sought for approval, and the Respondent No. 1 could not accord approval without prior approval of the BMLTA. In such circumstances, the impugned GO is liable to be struck down on this ground alone.

11.4- The Commission/Opinion of the Urban Development Department cannot substitute the legal mandate under Section 19 of the BMLTA Act, 2022:

(1) It is undisputed that the State Government while granting approval to the impugned project on 09.02.2011 by way of the Impugned GO, had no prior approval of the BMLTA. It is also undisputed that, at the time of such approval, the Respondent No. 1 & 2 did not have any technical expertise to approve such projects.



- (ii) It is also undisputed that, in view of the above, the formation of an expert committee vide the Government Order dated 07.04.2025 was necessitated. Additionally, the said GO itself records that, In view of certain Irregularities and absence of technical experts to assess the viability and other aspects of the DPR, the expert committee was constituted to study the DPR. Such an exercise, being carried out by the State Government In 2025 after having already approved the Tunnel Road Project In 2024 reeks of Irrationality, illegality, arbitrariness, and lack of application of mind at the hands of the Respondent No. 1.
- (iii) it is also undisputed that the DIJLT directed the Respondent No. 2 ■ BBMP to seek for the approval of the Urban Development Department in place of the BHLTA vide letter dated 03.12.2024.
- (iv) Therefore, in such circumstances, any approval/positive recommendation, if any, of the Urban Development Department cannot substitute the mandatory approval that is required to be provided by the BMLTA in terms of Section 19 of the *BMt.TA Act, 2022*. Hence, the Petition deserves to be allowed on this ground also.

11.5 Lack of integration of the Tunnel Road Project wit it
Bengaluru's approved Comprehensive Mobility Plan

(CMP):



- (i) The impugned project violates legal requirements for integration within the approved CMP of Bengaluru. The existing CMP was prepared by Bengaluru Metro Rail Corporation Limited (BMRCL) with the support of the Respondent No. 5 DULT. As the existing CMP does not include the tunnel road project and goes against the mandate of the CMP which requires steps in furtherance of usage of public transportation systems, the same renders the project unauthorized and illegal.
- (ii) Moreover, in terms of the Review Report as per Annexure - G supra, the Respondent No. 5 - DULT has already categorically expressed that the objectives of the Tunnel Road Project do not align with that of the approved CMP. The relevant portion of the same is extracted below for ease of reference of this Hon'ble Court.

"It may be noted that the objectives of the proposed north-south corridor do not align with the objectives and goals of the approved Comprehensive Mobility Plan for Bengaluru Of the Climate Action Plan of BBMP or the National Urban Transport Policy of the Government of India (a directive by Central Government for development of mobility solutions in urban areas). Hence, alternative short-length strategic alignments where such tunnels may play critical role in improving connectivity of existing road network may be explored."



(Errrphasfe supplied)

- (iH) The impugned GO, having failed to consider this aspect, is liable to be struck down on this ground also.

11.4 Violation of the 74th Constitutional Amendment ana Bypassing the Metropolitan Planning Committee:

- (i) The Tunnel Road Project violates Article 243ZE of the Constitution of India, 1950 which mandates Metropolitan Planning Committee (MFC) consultation for all metropolitan planning decisions. Article 243ZE requires every metropolitan area with population exceeding 10 lakh to constitute a Metropolitan Planning Committee for "preparation of a draft development plan for the metropolitan area as a whole."
- (ii) The Respondent No. 1 has systematically bypassed MFC consultation despite JCoingaluru having a population of 1.35 crore. Any infrastructure decision taken by the State Government bypassing constitutional planning mechanisms is therefore violative of the constitutional mandate and liable to be struck down.
- (iii) The Hon'ble Kerala High Court in *Adv. Richard Rajesh Kumar v. State of Kerala (WP (C) No. d162//2022 decided on 16.OS.2023)* has enforced the formation of an MFC This necessarily means



that infrastructure projects cannot proceed without constitutionally mandated planning committee approval. This constitutional violation renders the project approval process *ultra vires* and unconstitutional.

ILS Exemption of the Tunnel Road Project from Environmental Impact Assessment by SEIAA - Karnataka is illegal:

A.

- (i) *Vide* Annexure - H *supra*, the Respondent No. 4 - SIEM - Karnataka, has represented to the BBMP that the Tunnel Road Project would be exempted from Environmental Clearance in view of Entry No. 7(f) of the Schedule to the EIA Notification 2006 (and amendments) by treating the impugned project as an expansion of a National Highway, Furthermore, It is observed in the DPR of the project that "Tunnels" are not covered under the EIA Notification, 2006 (and amendments) and therefore there is an exemption.

- (ii) The exemption as claimed above is *ex-facto* illegal and contrary to the Circulars issued by the Ministry of Road Transport & Highways (MoRTH), Government of India, *w/e* Annexures - D & F, respectively, *supra* > In terms of the said Circulars, conducting an EIA is mandatory for all long tunnel projects (> 1.5 kms) across National Highways

- (iii) On one hand, the exemption is being claimed by treating the project within the ambit of "expansion of an existing national highway". On the other hand, the legal mandate as per the circulars issued by the MoRTH for tunnel projects across national highways has not been considered by the Respondent No. 4 - SEIAA.
- (iv) In view of the said failure, the opinion of the Respondent No. 4 - SEIAA that the Tunnel Road Project would not require a prior Environmental Clearance is illegal and therefore liable to be struck down. Furthermore, the observation of the SEIAA - Karnataka, that the project would not require an EIA is against the facts. The impugned project will be causing irreversible damage to the city's groundwater table, aquifers, seismic stability, and can cause the risk of urban flooding thereby necessitating an EIA and prior environmental clearance.
- (v) Additionally, In Kerala, the State Level Expert Appraisal Committee (SEAC) of the Ministry of Environment & Climate Change, Government of Kerala, has already set a precedent which demonstrates that tunnel projects require Environmental Assessment Committee approval with stringent conditions due to the adverse impact that such projects can have on the environment. Therefore, interference of this Hon'ble Court is sought for on this ground also.



11.6 Impugned project damages the "Peninsular Gneiss, Lalbagh" - a 3000-million-year-old national geological monument:

- (I) A perusal of the alignment of the impugned Tunnel Road Project as well as the Land Acquisition Plan (Lalbagh) would indicate that the project would cut through the Lalbagh Botanical Gardens and the "Peninsular Gneiss"¹ - which forms a national geological monument, declared as such by the Geological Survey of India and situated within the Lalbagh Botanical Gardens,
- (It) Pertinently, the "Peninsular Gneiss" at Lalbagh is a rock formation that is over 3 billion years old, therefore, it is the bounden duty of the Government of Karnataka to protect the same as per law. However, a perusal of the alignment of the proposed Tunnel would indicate that the same would cut across the rock formations, causing irreversible environmental damage. Moreover, such monuments remain protected under Article 49 of the Constitution of India, 1953, which mandates state obligation to "protect every monument or place or object of artistic or historic interest". The Impugned Project, which pre-supposes exemption from the IA and disregards the above, is liable to be struck down on this ground also. Such monuments are required to be protected by the Respondents.



Any construction that will damage the monument in Lalbagn Is Iliejgai and therefore cannot be permitted.

1.7 Violation of the mandatory provisions of the

Karnataka Government Parks (Preservation) Act,

1975 & the "Doctrine of Public Trust":

(i) The Impugned project violates the mandatory provisions of the *Karnataka Government Parks (Preservation) Act, 1975* by threatening the integrity and preservation of Lalbagn Bolan teal Garden, which is a protected government park under the said *Act*. Lalbagn Botanical Gardens and Cubbon Park, have been specifically notified under *Section 3* and are therefore, protected parks under the said *Act*.

(ii) In terms of *Section 4* of the said *Act*, the same imposes a mandatory statutory duty of preservation on the State Government. *Section 4* is extracted below for ease of reference of this Hon'ble Court,

"4. *Preservation of parks:*

(1) *It shall be the duty of the State Government to preserve and maintain as horticultural gardens the parks to which this Act is applicable and take such action as may be necessary to improve the utility of such parks as such gardens.*

(7) *No land or building within the parks to which this Act is applicable shall be*

*alienated by way of sale, lease, gift, exchange, mortgage or otherwise or no licence for the use of any such land or b u Udi **ng shall be granted** a nd any alienation made or licence granted in contravention of this section spall be noli and void. **

(Emphasis supplied)

- (iii) The use of the phrase? *shall be the duly*" creates a mandatory obligation, and not discretionary power. Therefore, the tunnel road project, which seeks to acquire 6 acres of Lalbagh Botanical Gardens, by cutting through the Gardens and damaging the 3.4-billion-year-old rock formations, directly violates this preservation duty,
- (IV) Furthermore, the tunnel road project involves alienation of park land for non horticultural purposes (transport infrastructure and construction of a commercial complex), Construction of tunnel Infrastructure constitutes use of park land for purposes contrary to the Act's preservation mandate. Therefore, any permission or license granted for tunnel construction through Lalbagh would be "null and void" Under Section 4(2).
- (v) Lalbagh Botanical Gardens is held in Public Trust for current and future generations. Therefore, public parks are declared as such and are required to be protected in terms of the mandate under *The Karnataka Government Parks (Preservation) Act,*

1975. The Government of Karnataka cannot violate this trust by damaging irreplaceable natural and historical heritage. Therefore, tunnel construction causing permanent damage violates the trustee's duty of care. Additionally, the Respondent Mo. 6 cannot allow for such construction activity to be earned out in Lalbagh which is protected under the Karnataka Parks (Preservation) Act, 1975. Hence, Interference of this Hon'ble Court is necessitated on this ground also.

11.8 Violation of Article 21 of the Constitution of India.

1950 - right to life and environmental degradation:

- (i) The impugned Tunnel Road project violates Article 21 of the Constitution of India, 1950 by threatening the right to life through environmental degradation and heritage destruction.
- (11) The project threatens Bengaluru's groundwater system and geological integrity in the following ways; (a) the tunnel will disrupt natural ground water flow in Bengaluru's hard rock terrain with interconnected fracture systems essential for groundwater storage; (b) construction will affect hundreds of bore wells on either side of the tunnel; (c) the project runs over the Rajakaluve feeder of Hebbal Lake and cuts across the overflow canal to Nagawara Lake; and (d) the underground

construction poses threat to Lal bag h Lake, Lal bagh Rock and Its ecosystem.

“(TH) RpgTTTrum Din above, the impugned project wiH-atee- damage Bengaluru's aquifers which will result in decrease In ground water and bcirewell recharges. The same will consequently have an adverse impact on the already worsened Bengaluru's water supply crisis. Any damage to the grobdwater system an-J drainage system would further risk urban flooding in Bengaluru. Therefore, the impugned project, which has proceeded without rm EIA despite the abovementioned th eats |s liable to be struck down for being in violation of the right to environ merit guaranteed under Article 21

1. 1.9 Violation of Article 14 of the Constitution of India. A 950 - manifest arbitrariness and discriminatory da ss if tea tiptr.

(l) The proposed Tunnel Road Pi-iject violates Article 14 ot rhe Constitution of India by creating an arbitrary and discriminatory classification tfiat'lacks intelligible differentia and rational nexus to the stated objective of traffic decongestion.

(iO) The project allows exclusive access to four-wheelers tears) while completely prohibiting two wheelers and auto-rickshaws, creating an unconstitutional classh-ubofi amoiiw road Users. This discrimination lacks any reasonable basis as: (a) two-wheeler

constitute approximately 82% of registered vehicles in Bengaluru (82,43,82 out of J .07 crore total vehicles as per Karnataka Transport Department data till February 2025); (b) auto-rickshaws provide essential public transport services to economically weaker sections; and (c) the exclusion creates economic apartheid in public Infrastructure access.

4

(III) The project exhibits manifest arbitrariness as the same is being done capriciously, irrationally and without any adequate determining principle. The arbitrariness is evident from the disproportionate cost of ₹ 1,000 crore per kilometer compared to similar projects globally. The same exclusively benefiting a mere 2.7% of Karnataka's population (car owners) using taxpayer funds from all 7 crore residents. And the levying of the proposed toll charges of ₹330 per trip making it accessible only to affluent sections.

(iv) Therefore, since the impugned project creates unprecedented exclusion based on vehicle ownership, violating the equality principle enshrined in Article 14.

T

11.10 Manifest irrationality and redundancy..with exist inn metro infrastructure:

(i) The impugned Tunnel Road project exhibits manifest Irrationality and Wasteful redundancy with existing and planned metro infrastructure, violating



principles of rational resource allocation. The proposed tunnel road runs parallel and overlaps extensively with multiple metro lines.

- (II) Pertinently, close to 90% of the North-South Tunnel (Hebbal to Central Silk Board) lies within 1 km of the proposed Sarjapur-Hebbal Metro stations under Phase 3A with 28 stations. Additionally, it also overlaps with the Blue Line (Phase 2B), that is already under construction from KR Puram to Airport via Hebbal, scheduled for completion by June 2026. This will make the tunnel road redundant for airport traffic. Apart from the above, the tunnel corridor faces additional redundancy from the Bengaluru Suburban Rail Project (BSRP) Corridor 1 from Majestic to Airport Terminal via Hebbal, that is scheduled for completion by December 2027.

111 Manifest irrationality and unreasonableness - violation of scientific evidence and opposition from Indian Institute of Science (IISc Bengaluru)

- (I) The tunnel Road project proceeds in direct contravention of scientific evidence and expert recommendations from the Indian Institute of Science (IISc), which directly reflects on the manifest arbitrariness in ignoring authoritative academic research.



(ii) The USc, through its Sustainable Transportation Lab, submitted a comprehensive report titled "*Brand Bengaluru - Agile & Sustainable Mobility for Air*" to the Brand Bengaluru Committee in September 2023, which directly contradicts the tunnel road approach.

(iii) Pertinently, the respondent's scientific analysis demonstrates that tunnel roads will be counterproductive since tunnel road construction will lead to a 2.7% increase in the number of vehicles on roads, worsening congestion. This is in contravention of the claim of the Respondents Nos 1 & 2 and their objective of traffic reduction. Furthermore, the scientific evidence shows tunnel roads will exacerbate the very problem that is sought to be solved.

(iv) The Respondent No. 1's decision to proceed with tunnel roads despite clear scientific opposition from IISc constitutes manifest arbitrariness since IISc is India's premier scientific institution with unquestionable expertise in transportation engineering. Moreover, the government has no scientific counter-study to refute IISc's findings. In such circumstances, proceeding against authoritative scientific evidence without rational basis fulfils the test of manifest arbitrariness, therefore warranting interference at the hands of this Hon'ble Court.



11.12 Procedural violations and violation of the principles
of natural justice'

(i) it is submitted that, multiple consultants (M/s. Lion Engineering Group ft M/s. Rodic Consultants) have previous bjadtlisting/bari records that are publicly available and annexed along with this Petition. In such circumstances, it was the duty of the Respondents to engage the services of such consultants whose background is dear.

(II) Furthermore, BBMP had itself imposed ₹5 lakli penalty on Rodic Consultants for "copy'paste" DPP work in January 2025. Therefore, the entire process from preparation of the Feasibility Report to the DPR appear to tainted with procedural IP regularities. Moreover, the DPR was prepared in just 3 months against industry standard of 9-12 months. Therefore, the Government of Karnataka was also constrained to appoint a committee on 07.C4.2025 Lo study the Issues in the DPR due to lack of any technical expertise.

(Ilf) As established in *Eurasian Equipment & Chemicals Lid. fc State of West Bengal (197\$) 1 SCC 70*, decisions with "serfoys DW consequences" require opportunity to be heard. The Tunnel Road project affects property values; traffic patterns, and environmental quality without providing affected parties opportunity tn be heard. The impugned



project, having been pushed in haste, without adhering to the settled law in this regard, calls for Interference at the hands of this Hon'ble Court.

11-13 Disproportionate public expenditure and fiscal irresponsibility:

(Ij) It is submitted that, the project involves disproportionate public expenditure without proper financial justification. At ₹1,000 crore per kilometer, the project cost far exceeds international benchmarks like the Mumbai Coastal Road which costed ₹433 crore per kilometer (Including undersea construction) and the Delhi Metro tunnels which costed ₹200-300 crore per kilometer.

(IT) The ₹9,000 crore state guarantee lacks proper risk assessment and violates fiscal responsibility principles by committing taxpayer funds for a project benefiting only 2.7% of the population. Therefore, using funds from all 7 crore Karnataka residents to benefit only 25 lakh car owners viola Les Article 14 principles established in a catena of decisions of the Hon'ble Supreme Court.

11. J 4 Thu State artd its instr umimt alllies can not give largesse to any person according tn the whims of the political entities and/o* officers of the State, Every action/dccision of the State to give largesse must fee founded on a legal, sound, transparent, discernible and well-defined policy. The Grant of any form of largesse by the State or its



agencies/instrumentalities by treating the exercise as private venture is liable to be treated as arbitrary and discriminatory violating the soul of the equality clause embodied in Article 14 or the Constitution. The impugned tunnel toed project, which proceeds on this footing calls for interference or this Hon'ble Court on this ground also.

11.15 The Instant Writ Petition requires the urgent intervention at the hands of this Hon'ble Court since the tender process is ongoing. Additionally, the officials of the Respondent No. 1 to 3 have already earmarked portions of Lalbagh Botanical Gardens for the purpose of acquisition and felling of trees from 06.10.2025. Furthermore, environmental and heritage damage, price caused, cannot be reversed, requiring preventive rather than compensatory relief. The Impugned project affects lakhs of citizens who use two-wheelers and auto-rickshaws for daily commute, making it a matter of significant public interest. Systematically, systematic violation of constitutional and statutory provisions requires court Intervention to uphold rule of law and constitutional governance.

12 Grounds for Interim Prayer.

12.1 It is submitted that. In the event this Hon'ble Court does not stay the tender process and the process of land acquisition including felling of trees, the same would cause irreversible damage. Furthermore, it would also lead to environmental and heritage damage, which once



C&used, cannot be reversed, requiring preventive rather than compensatory relief.

12.2. The Respondent Nos. 1 to 3 have inspected the Lalbagh Botanical Gardens and earn ar Red around 6 acres of land belonging to the Respondent No. 6 Department of Horticulture for the purpose of acquisition. It is also i epgted widely that the said Respondents would cut trees in the said portion of land and cause Irreversible damage to the ecosystem. Photographs produced along with this Petition would demonstrate the extent of the garden land that has been earmarked for tree felling and construction of a commercial complex in talfcagh. Therefore, urgent intervention at the hands of this Hon'hie Court Is warranted.

12.3. The impugned project has proceeded without an Environmental Impact Assessment and has the risk pf causing immense damage to Bengaluru's groundwater table and aquifers. It is also poised to damage existing Liorewelis on the proposed alignment. Additionally, in the aftermath of the tunnel road collapse at the stage of construction in Silkyara, Uttarakhand, the MoRTH has mandated LI A before proceeding with any tunnel road projects exceeding 1.5 kms in length. Therefore, an interim stay on the project is Of utmost importance.

12.4. irthf,- interim order as prayed Tor is not grant ed, the same would give way for systematic violation of constitutional



and Statutory provisions requires court Intervention to uphold rule of law and constitutional governance.

12.5* in such circumstances, due to the illogicality, irrationality or rationality, manifest arbitrariness and the sheer haste with which the impugned project is being pushed by the Respondent Nos. 1 to 3, It would be in the larger public interest to grant the interim prayer as sought for.

12.6. In the event of grant of interim prayer as sought for, no prejudice would be caused to anyone including the Respondents. On the other hand, If the Interim prayer as sought for is not granted, the same would jeopardise a bundle of rights and legal obligations as explained above.

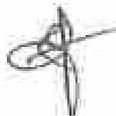
13- prayer:

The Petitioner most humbly and respectfully prays that this Hon'ble Court may be pleased to pass the following?

- A. CALL FOR ENTIRE RECORDS from the Respondents regarding the impugned Tunnel Road Project including proposals, plans, reports, permissions, approvals, sketches, cabinet notes, cabinet minutes and reports of committees.
- B. ISSUE A WRIT OF CERTIORARI or any other appropriate writ, order or direction, quashing the impugned Government Order bearing No. NAE 34 MNY 2024 (E) dated 04.09.2024 Issued by the Respondent No. J - Urban Development Department, Government of Karnataka, produced at ANNEXURE - C at Page Nos. 85 - 90



- C. ISSUE A WRIT OF CERTIORARI or any other appropriate writ, order or direction, quashing the impugned Letter bearing No. bearing No. SEIAA 80 MISC 2024 dated 20.11.2024 issued by the Respondent No. 4 - SEIAA - Karnataka opining exemption of the impugned Tunnel Road project from Environmental Clearance, produced at ANNEXURE - H at Page No. 125.
- D. ISSUE A WRIT OF CERTIORARI or any other appropriate writ, order or direction, quashing the impugned letter bearing No. PDLT/TEGH/31/2024/848 dated 03.12.2024 issued by the Respondent No. 5 - DULT in favour of Respondent No. 2 - GBA/BBMP, directing the GBA/BBMP to seek for the approval of the Urban Development Department/Respondent No. i, produced at ANNEXURE - K at Page No. 135.
- E. ISSUE A WRIT OF CERTIORARI Or any other appropriate writ, order or direction, quashing the impugned Notice Inviting Tender (NIT) bearing No. B-SMILE/SE/TEND/O 3/202 5 26 dated 14.07.2025 issued by the Respondent No. 3 - B-SM1LE, produced at ANNEXURE - Q at Page No. 422.
- F. DECLARE that the proposed Tunnel Road Project (North-South Tunnel) from Hcbbal Esteem Mall Junction to Silk Boam KSRP Junction is violative of Articles 14, 21, 243ZE and 49, among Other provisions Of the Constitution Of India, 1950.



- G. **DECLARE** that the proposed Tunnel Road Project's exclusive access policy restricting the tunnel road to four-wheelers while prohibiting two-wheelers and auto-rickshaws is manifestly arbitrary, irrational and violates Article 14 of the Constitution of India, 1950.
- H. **DECLARE** that the impugned Tunnel Road Project violates Sections 19 & 21 of the *Bengaluru Metropolitan Land Transport Authority Act, 2022* by proceeding without mandatory prior approval from EJMLT and integration within the Comprehensive Mobility Plan prepared by the competent authority.
- I. **ISSUE A WRIT OF MANDAMUS** or any other appropriate writ, order or direction, directing the Respondent No. 1 to 3 to forthwith constitute the Bengaluru Metropolitan Land Transport Authority in accordance with Section 4 of the *Bengaluru Metropolitan Land Transport Authority Act, 2022*,
- J. **CONSEQUENTLY, ISSUE A WRIT OF MANDAMUS** or any other appropriate writ, order or direction, restraining the Respondent No. 1 to 3 from proceeding with any major Urban Transport Projects proposed for or in the Urban Mobility Region to be developed by the Urban Transport Agencies, Infrastructure Development Agencies and Traffic Management Agencies or any other agencies under the Government of Karnataka as prescribed under Section 19 of the *Bengaluru Metropolitan Land Transport Authority Act, 2022*.



- K. ISSUE A WRIT OF MANDAMUS or any other appropriate writ, order or direction, restraining the Respondent Nos. 1 to 3 ii 'HT' i proceeding with the Impugned Tunnel Road Project [n any manner whatsoever, including finalisation of land acquisition plans, physical marking of acquisition, land acquisition, felling of trees, shifting of utilities, land excavation (in any form) or any construction activity related to the impugned Tunnel Road Project.
- L. ISSUE A WRIT OF MANDAMUS or any other appropriate writ, order or direction, restrarnin j the Respondent No. 1 to 3 from proceeding with the tender process in furtherance of the Notice Inviting Tender (NFT) bearing No, B-SMILE/SE/TEN D/03/20 25-26 dated 1-1.07.2025 Issued by the Respondent No. 3 - B-SMILE, produced at ANNEXLJRE - Q at Page No. 4 22.
- M. ISSUE A WRIT OF MANDAMUS or any other appropriate writ, order or direction, restraining the Respondent No. 6 - Department of Horticulture, Government Of Karnataka from alienating by way of sale, lease, gift, exchange, mortgage, or litence for use, or otherwise, of any portion of land falling within the exclusive domain control of the Respondent No. 6 under applicable laws, Including Lalbagh fi&tanical Gardens, for implementation of the Impugned Tunnel Road project.
- N. ISSUE A WRIT OF MANDAMUS or any other appropriate writ, order dr direction, directing the Respondent No. 7 - Geological Survey af India lo conduct a Geological Impact Assessment of the proposed Tunnel Road Project across its



impugned in terms of the impugned Project. Report dated 14.03.2025
March 2025.

- O. Grant such other and further relief(s), including costs of this
Petition^ as this Hon'ble Court may deem fit. and proper in
the facts and circumstances of the case and in the interest
of justice.

14. Interim Prayer.

Pending final disposal of this Writ Petition^ the petitioner humbly
prays that this Hon'ble Court may be pleased to:

- A. Restrain the Respondent No. 1 to 3 from proceeding with the
Impugned Tunnel Road Project, in any manner whatsoever,
including finalisation of land acquisition plans, physical
marking of acquisition, land acquisition, felling of trees,
shifting of utilities, land excavation (in any farm) or any
construction activity related to the impugned Tunnel Road
Project.
- fi. Stay the further operation, execution and implementation of
the Government Order bearing No. NAE 3*5 MNY 2024 (E)
dated 04.09.2024 issued by the Respondent No. 1 - Urban
Development Department, Government of Karnataka
produced at ANNEXURE - C at Page Nos 85 - 90.
- C. Stay the further operation, execution and implementation of
the Notice Inviting Tender (NIT) bearing No. B-
SM1LE/SE/TEND/03/2025 26 dated 14.07.2025 Issued by



the Respondent No. 3 - B-SMILE, produced at ANNEXURE
- Q at Page Nu. 422,

BENGALURU

15.10.2025



ADVOCATE FOR PETITIONER

(A.NJRI.JDH A KULKARNI)

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**Before The National Green
Tribunal (SZ) Chennai**

O.A. No. 185 of 2025

Prathibha. R Bengalure and Anr

...Applicant

Versus

UOI, represented by its Secretary to
Govt, MOEF and CC New Delhi &
Ors

...Respondents

**Typed set filed on behalf of Brihat
Bengaluru Mahanagara Palike -
Respondent No.2**

**Mr.T.V.SEKAR,143/1980
Counsel for Respondent No.2
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