

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

IA No. 436 of 2025
IN OA No. 163 of 2024

IN THE MATTER OF:

Rasikh Rasool Bhat

...Applicant

VERSUS

Union Territory of Jammu & Kashmir & Others

...Respondents

IN THE MATTER OF:

Objections by Applicant to the Reply of Respondents No. 2, 4 & 5 submitted by Respondent No. 5

MOST RESPECTFULLY SHOWETH:

1. The Applicant respectfully submits the following objections to the reply submitted by Respondent No. 5 on behalf of Respondents No. 2 and 4, which is factually misleading, inconsistent, and contrary to the records already submitted before this Hon'ble Tribunal:
2. That the reply filed by Respondent No. 5 is an attempt to mislead this Hon'ble Tribunal. The reports and documents submitted earlier by the Member Secretary of JKPCC, Forest Authorities, and Respondents No. 2, 4, and 5 themselves have repeatedly referred to the impugned Handwara-Bangus Road project as a "Tourist Corridor", similar in classification and purpose to the tourist destination Gulmarg, which is either a State Highway or National Highway. However, the current reply shifts the narrative to label the road as a "defense necessity," which is factually incorrect and legally untenable and contradicting to DPR of the Project.
3. That the locations and spots cited in the reply as newly connected by this road are already well-connected through Major District Roads and Village Roads, and thus the justification of "new access" is completely misleading. The construction of road by the local R&B Department is both unnecessary and environmentally disastrous. The belated justification of "defense requirement" appears to be a convenient cover-up for multiple environmental violations.

4. Discrepancies in Forest Clearance Data and Road Specifications:

As per the forest clearance and environmental documentation submitted in response to the Original Application, the road is stated to be approximately 35 kilometers in length, traversing through approximately 14 hectares of forest area. However, the nature of forest cover and the true environmental impact have been underreported and misrepresented. It is crucial to highlight that the area is classified as Very Dense Forest (VDF) in official forest clearance documentation. This classification denotes high ecological sensitivity, rich biodiversity, including carpet of medicinal plants, rare saplings, and wildlife habitat, which deserved a far more rigorous environmental assessment.

5. Unlawful Tree Felling and Ongoing Environmental Violations:

Contrary to Respondents' assertions, it is a matter of technicality that more than 25,000 trees were either cut or uprooted in the process of road construction, including prior to obtaining the mandatory technical clearances. This is substantiated by the fact that First Information Reports (FIRs) have been lodged by the Divisional Forest Officer (DFO), Langate, against the user agency and contractors for illegal tree felling.

These facts demolish the narrative of lawful and environmentally sound construction. The Applicant is not making any defamatory statements but merely placing reliance on official records and recognized classifications as per forest law and policy and definitions of Forest Survey of India

6. Unfounded Allegation of Political Motive Against the Applicant:

The reply falsely and irresponsibly accuses the Applicant of pursuing the matter for political mileage, which is a defamatory and baseless assertion. The Applicant has filed and pursued this matter in exercise of his fundamental right under Article 48A of the Constitution of India, which mandates the State to protect and improve the environment, and in discharge of his fundamental duty under Article 51A(g), which obliges every citizen to protect and improve the natural environment. The Applicant is acting in public interest, as an environmental advocate, and any such claim made by the Respondents is a desperate attempt to deflect attention from their unlawful actions.

7. Justified Classification of the Road as a State Highway:

Given the repeated references to Gulmarg and the scale, funding, and public purpose of the road, the Applicant maintains that the impugned project must be classified as a State Highway. This classification is significant for the purposes of applicability of EIA Notifications, environmental clearance thresholds, and procedural safeguards, which appear to have been ignored or circumvented in this case. Irony of the fact is Road project even don't have Environment Management plan.

8. Contradiction in Official Classifications of the Road:

A striking contradiction arises between submissions of JKPC, which refers to the road as a Major District Road (MDR), and Respondents No. 2, 4, and 5, who now describe it as an Other District Road (ODR). This contradiction is not trivial it highlights a deliberate attempt to

manipulate project classification and downplay environmental safeguards. Furthermore, as per the J&K Road Gazette, the Major District Road and State Highway categories are functionally and administratively similar in terms of importance and legal treatment, thereby lending further credence to the Applicant's assertion. and respondents failed to clarify the contradictory road definitions by themselves and JKPC

9. False Submissions Regarding Project Completion:

In the report dated 03.04.2025, Respondents No. 2, 4, and 5 submitted to the Hon'ble Tribunal that "The proposed Handwara-Bangus road project with 100% completion as on date has a marvelous scenic look and attraction for the tourists besides it will give an ease of access to the nomadic folk." This submission on General page no 211 is demonstrably false. Project work continued well into June, July, and August 2025, thereby proving that the claim of 100% completion was an attempt to mislead the Hon'ble Tribunal and evade further scrutiny. This is a serious matter as it reflects misrepresentation to a judicial forum, warranting appropriate directions.

10. Public Statements Contradicting Respondents' Submissions:

Respondent No. 5 has, in various media interviews and public forums, admitted that the road is intended to serve as a "Tourist Corridor" and further revealed proposals for transforming nearby water bodies into a riverfront. These public statements are directly contradictory to the claims made in the reply before this Hon'ble Tribunal.

 11. That the road has been described in the Forest Clearance as being at par with Gulmarg, which falls under the State or National Highway category. Despite this, the project lacks even a basic Environmental Management Plan (EMP), which raises serious questions about compliance with environmental norms.

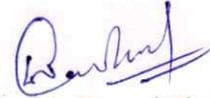
12. That Respondent No. 5, in media interviews, referred to the road as a "Tourist Corridor" and announced that local water bodies would be developed into a "riverfront", which further contradicts the official claim of it being a purely defense-related road. A video recording of this statement has already been emailed to the Hon'ble Tribunal in support of the present IA.

PRAYER

In view of the above facts, contradictions, and deliberate misrepresentations, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

1. Reject and strike off the reply submitted by Respondents No. 2, 4, and 5 as being misleading, contradictory, and an attempt to subvert the truth before this Hon'ble Tribunal;
2. Allow IA No. 436 of 2025 in its entirety and direct all reliefs sought therein and in light of the grave environmental violations, illegal deforestation, and procedural misconduct, direct an independent investigation by a central agency like the Central Bureau of Investigation (CBI)

Place: Ahgam Handwara J&K
Dated 21/08/2025



Rasikh Rasool Bhat
Applicant in person
Ahgam Rajwar Handwara J&K
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