

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 279 OF 2025

IN THE MATTER OF:

VIJAY KUMAR PADALIA ...APPLICANT

VERSUS

STATE OF UTTARAKHAND & ORS. ...RESPONDENT(S)

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Place: New Delhi

Date: 14.01.2026

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...RESPONDENT(S)

REJOINDER ON BEHALF OF THE APPLICANT TO THE RESPONSE
AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 4, DISTRICT
MAGISTRATE, NAINITAL, UTTARAKHAND

MOST RESPECTFULLY SHOWETH:

1. This Rejoinder is being filed by the Applicant to the Counter Affidavit dated 04.11.2025 that has been filed on behalf of the District Magistrate, Nainital, Uttarakhand (hereinafter, the “**District Magistrate**”) in O.A. No. 279 of 2025, filed by the Applicant before this Hon’ble Tribunal.
2. At the outset, it is submitted that the contents of the Counter Affidavit dated 04.11.2025 have not been able to provide any meaningful response to the blatant inaccuracies, cover-ups and explicit fabrications undertaken by Respondent State authorities in obtaining permissions and sanctions, as highlighted by the Applicant in O.A. No. 279 of 2025. The Counter Affidavit has, without any additional inputs, merely supported the stance of the Public Works Department, as recorded in the Counter Affidavit dated 06.10.2025. It is submitted that receipt of permissions for construction of the road and sanctions for diversion of reserved forest land does not, *per se*, sanctify the illegalities in the procedure followed and the overtly false and misleading information provided, in order to obtain these permissions and sanction.

3. The Counter Affidavit dated 04.11.2025 is replete with mere denials and bald averments, which do not address, or even engage with, the multiple instances of inconsistency in, and falsification of, data and the blatant disregard of due process, as have been pointed out by the Applicant. It is submitted that such bald denials of the District Magistrate should not be considered as any denial at all. It is well-settled in terms of Rules 3 to 5 of Order VIII, CPC that a vague or evasive denial is not sufficient and may be treated to be an admission in which event the Court may pass a decree in favour of the plaintiff. This is an established position of law, reiterated by Courts on numerous occasions. Certain observations of the Hon'ble Supreme Court in ***Sushil Kumar v. Rakesh Kumar*** (2003) 8 SCC 673, are particularly pertinent in the context of the Counter Affidavit filed by PWD and are reproduced below for ease of reference:

*“69. In terms of Order 8 Rule 3, a defendant is **required to deny or dispute the statements made in the plaint categorically, as an evasive denial would amount to an admission of the allegation made in the plaint in terms of Order 8 Rule 5 of the Code of Civil Procedure.***

*70. Under Section 58 of the Indian Evidence Act a fact admitted need **not be proved.***

*71. In paragraph 15 of the written statement, **the respondent has not specifically contended that the statements made in paragraph 18 of the election petition are incorrect or how they are so. Merely the said allegations have been denied as being imagination of the election petitioner... Such an evasive denial attracts Order 8 Rule 5 of the Code of Civil Procedure. The statements made in paragraph 18 of the election petition must, therefore, be deemed to have been admitted...***

(emphasis supplied)

4. In particular, the District Magistrate has not given any clarity or explanation, or even attempted to substantiate with appropriate documents, on the following discrepancies demonstrated by the Applicant in O.A. No. 279 of 2025:

- (i) Suppression of the list of trees surveyed, as appended to the only joint inspection conducted on 10.01.2012;
- (ii) In the online proposal form, response of “0” to entry seeking details of “non-forest land required for this project”;
- (iii) In the online proposal form, response of “no” to entry seeking “copy of map indicating location of alternative examined” with the reason “more oak tree and forest land”, when the letter dated 18.03.2015 sent by the Addl. Chief Forest Conservator and Nodal Officer notes rejection by the Public Works Department, Uttarakhand (the user agency) of alternate alignment through agricultural fields having no forest area and with no tree-felling involved;
- (iv) No joint inspection conducted despite recommendation in the above letter of 18.03.2015;
- (v) List of 73 trees mentioned in the online proposal form, when the report of site inspection conducted by the Public Works Department (hereinafter, the “PWD”), Nainital, alone on 01.03.2013 lists number of affected trees to be 91;
- (vi) Inconsistency in the width of the proposed road which is of 9 meters, as per the sanction obtained for diversion of forest land, but a reduced width of 7 meters has been considered at the time of site inspection conducted by the PWD, Nainital alone on 01.03.2013 for survey of trees that stand to be affected;
- (vii) In the online proposal form, response of “*not vulnerable to erosion*” to entry seeking “Brief note on vulnerability of the forest area to erosion”;
- (viii) In the online proposal form, response of “no” to entry asking “whether the forest land proposed for diversion is located within eco-sensitive zone (ESZ) of the Protected Area notified under Wildlife (Protection) Act, 1972” with the note “in case, ESZ of a Protected Area is not notified, then, 10 kms distance from boundary of the Protected Area should be treated as ESZ”. This

response has been given despite the forest area being located at a distance of 8 kms from the Naina Devi Himalayan Bird Conservation Reserve, which is a notified Protected Area;

- (ix) In the online proposal form, response of “*kakar*” only for entry seeking “Details of wildlife present”, when the reserved forest area is home to diverse wildlife including leopards, foxes, porcupine, nilgais, wild boars and land otters, some of which are protected species under the Wildlife (Protection) Act, 1972.

5. Importantly, no information has been proffered on any concrete steps taken till date, in accordance with law, to ensure that the *naap* land (privately-owned land) that is required for the construction of a 1.5 km long road, as allegedly intended, has been acquired. No proposals or notifications for acquisition have been brought forward by the District Magistrate to substantiate that the proposal in question is for construction of a *bona fide* motor road of 1.5 km length and not a fraud sought to be perpetuated on the inhabitants of Malla Niglat. As things stand, the proposed road of 9 metres width would only be constructed over 0.54 ha of reserved forest land, thus, coming up to 600 metres in length and ending at a private individual’s residential bungalow.
6. The District Magistrate has, instead, resorted to questioning the Applicant’s personal interests behind filing O.A. No. 279 of 2025. It is submitted that such attempts to shift blame and vilify the Applicant for raising rightful questions at the appropriate forum is quite irresponsible on behalf of the State authorities, more so when not only hundreds of lives and livelihoods stand to be affected but also fragile ecosystems, rich in invaluable forest cover and biodiversity.
7. Without prejudice to the above submissions, a para-wise reply has been given as below:

- (i) The contents of paragraph nos. 1 to 5 require no comment from the Applicant and only those forming part of official records are admitted.
- (ii) The contents of paragraph no. 6, and paragraph nos. 8 and 10 in Para-Wise Reply are denied, as these are bald averments made by the District Magistrate, without any data or document to substantiate their claim. As urged by the Applicant, the village spans a stretch of 3 kms, and is situated on NH-87 (now NH-109), with the closest house in the village only 5 metres from the NH and the furthest dwelling being about 80 metres away from the NH. The proximity to the NH, along with the RCC concrete paths running through the village, clearly indicate good connectivity. It is submitted that the claim of the District Magistrate of the proposed road being an improvement for availing medical services, transport of agricultural yield and protection and management of ecology is not supported by any evidence establishing that the existing infrastructure has proved to be inadequate for these purposes.
- (iii) The contents of paragraph no. 7 are denied for being factually *and* legally incorrect and misleading. As submitted above, the fact of receiving the administrative and financial sanction, the in-principle approval and the formal sanction for diversion of reserved forest land do not validate or authenticate the illegal and improper procedures employed in obtaining these. On account of such irregularities and falsehoods, the in-principle approval dated 21.05.2016 and the sanction granted by the State Government for diversion of the reserved forest land dated 14.03.2017, amongst others, are the subject-matter of challenge in Appeal No. 64 of 2025 filed by the Appellant before this Hon'ble Tribunal. In addition, no amount of funds for compensatory afforestation would justify an entirely unnecessary construction, sought to be undertaken for specious and deceptive motives, affecting invaluable forest cover and resulting in loss of habitat of protected

species of wildlife, and heightened risks of landslides. Furthermore, no basis has been provided for computing the number of affected trees to be 73, as even by their erroneous calculation of trees over area having width of 7 meters, the affected number of trees stood at 91. (Site inspection reports dated 01.03.2013 and 09.09.2015 at pages 69-70 and pages 84-85 of the O.A.)

(iv) The contents of paragraph no. 8 are entirely incorrect and misleading. It is submitted that O.A. No. 543 of 2017 filed by the Applicant had been disposed of by this Hon'ble Tribunal on 02.08.2018. However, in the order of disposal itself, the Applicant had been granted liberty to file a "proper and comprehensive Application so as to incorporate subsequent development" of the Forest Clearance coming into the Applicant's knowledge. Accordingly, O.A. No. 522 of 2018 had been filed by the Applicant, on the dismissal of which, the Applicant had filed an Appeal before the Supreme Court. Thereafter, the matter has been remanded to this Hon'ble Tribunal. It is, thus, submitted that O.A. No. 543 of 2017 had never been adjudicated or dismissed on merits and the present proceedings are a continuation of those initiated through O.A. No. 543 of 2017. The Applicant has brought on record the dismissal of O.A. No. 543 of 2017 before this Hon'ble Tribunal at various stages, including in the present O.A. (pages 86-87 of the O.A.), as well as before the Hon'ble Supreme Court.

(v) The contents of paragraph no. 9 and paragraph no. 6 of Para-Wise Reply are denied for being wholly false, baseless and devoid of any merit. At no point, has the Applicant endeavored to secure realignment of the road to facilitate personal convenience. This is a bald assertion and no evidence has been provided of such endeavours being made by the Applicant. To the contrary, construction of the motor road along the proposed route has been questioned by the Applicant on various grounds, including that of proximity to NH-109. It is respectfully submitted that it does not behove State authorities to make

mala fide personal allegations, when they have not even attempted to demonstrate the legality of the process followed by them and respond to the lacunae and improprieties as brought out by the Applicant.

- (vi) Paragraph No. 10 refers to Annexure I, which appears to be a report given by the Executive Engineer, PWD, Haldwani on the case. The entirety of this information is denied and as specific replies have been given in the Rejoinder Affidavit filed by the Applicant to the Counter Affidavit on behalf of the PWD, Uttarakhand, for the sake of brevity, para-wise traversal of the information is not reiterated herein. However, it may be noted that paragraph 3 of the information mentions that “*Trees falling in the alignment of the road have already been cleared*”. The order dated 04.07.2025 passed by this Hon’ble Tribunal in the present O.A., records that the Respondents have stated that they will not indulge in felling of the trees without permission. Till 04.07.2025, a stay on tree felling had been in operation since 05.10.2017 almost entirely through this period, on account of orders of this Hon’ble Tribunal and thereafter, the Hon’ble Supreme Court. It is submitted that if trees have indeed been already felled along the alignment of the road, it has been done in gross violation of orders of this Hon’ble Tribunal and the Hon’ble Supreme Court and strict action may be taken against all Respondent State authorities in this regard. Further, paragraph 4 of the said information has provided yet another tally of trees that are required to be felled along the road alignment, without substantiating if this is the outcome of a joint inspection, as should have been undertaken all along, or a reduced number that has been suggested considering the pendency of this matter.
- (vii) Paragraph nos. 11, 12 and 13 refer to copies of internal communication of the District Magistrate with other departments and being of no relevance to the merits of the present case, do not require any response from the Applicant.

- (viii) The contents of paragraph no. 2, 3, 11, 12 and 21 of Para-Wise Reply are repetitive and have been denied above. It is submitted that the District Magistrate has not attempted to illustrate that due process of law was followed, as elaborated in paragraph nos. 2, 4 and 7(iii) above. It is further urged that bald averments on NOC do not assist in proving the case of Respondent No. 4. On the other hand, the Applicant has annexed various representations made by the residents of the village from 2012-2017 (pages 102-113 of the O.A.) objecting to the construction of the road, which have been completely ignored by the authorities. It may be noted that despite the Divisional Forest Officer, Nainital Forest Division requesting PWD, by letter dated 18.06.2012, to pay personal attention to the objections of the residents (pages 45-46 of the O.A.), no action was taken by PWD or any other authority.
- (ix) The contents of paragraph no. 4 of Para-Wise Reply pertaining to consent of landowners and compensation are denied as these are mere statements, which are unsubstantiated. The Applicant has learnt that certain properties in the village have changed hands in December 2025, and the new landowners are not in favour of construction of the road through their lands. In addition, it is submitted that consent of landowners is not the only or a relevant requirement under law for acquisition of private land for a public project, as the District Magistrate is well-aware.
- (x) As regards the contents of paragraph nos. 5 and 13 of Para-Wise Reply, averments on survey and inspection by a geologist are vague and unsubstantiated. Even till this date, the list of trees appended to the joint inspection carried out by officials across departments on 10.01.2012 has not been brought on record. It is submitted that in light of such blatant suppression, mere statements on survey and inspection do not meet the requisite standards of due diligence and due process. In addition, it is

submitted that even assuming, but not admitting, there were geological surveys in 2011, these can no longer be considered to give an accurate picture. In the 14 years since, the NH around that region, has become quite vulnerable to erosions and landslides, partially on account of similar road construction and widening projects, and has witnessed multiple cave-ins and road closures. A recently published news article in Scroll notes that 164 landslides had occurred in July, 2025 on the NH between Rishikesh and Badrinath, spanning a distance of around 300 kms. Roads had been widened on this particular stretch (Char Dham project) leaving steeply cut mountainsides.

A true copy of the news article titled “*On the road to Chardham, a landslide every two kilometres*” published online on Scroll.in on 09.01.2026 is annexed herewith and marked as **Annexure R-1**.

- (xi) As regards the contents of paragraph nos. 17 and 25 on the RCC path, it is clarified that it has never been the suggestion of the Applicant to convert the same to a motor road. Rather, the need for a motor road keeping in mind proximity of the village to NH-109 and the existence of the RCC path in the village, which is used by 2-wheelers and smaller vehicles, has been questioned by the Applicant. It is further submitted that the Applicant has not given any other route suggestion, except to truly consider any alternative which does not require the route to go through the reserved forest. For the District Magistrate to write off a non-existent route as technically infeasible in paragraph no. 25, is clear evidence of the *mala fide* and the oblique motives at play in bringing this proposed road to completion. It is submitted that this is highly suggestive of the fact that neither public interest nor protection of ecology is the reason behind constructing this road, as is sought to be portrayed persistently.

- (xii) The contents of paragraph nos. 20 and 22 of Para-Wise Reply are wholly erroneous and deliberately misleading as what the Applicant has sought to bring to this Hon'ble Tribunal's notice is that the list of trees appended to the report of the only joint site inspection conducted on 10.01.2012 has been suppressed and is yet to be brought on record by any of the Respondent authorities. The list of 91 trees comes from a subsequent inspection report conducted only by representatives of PWD, and that too, having considered a much narrower width of the proposed road (*i.e.*, 7 meters) than that for which sanction has been given for diversion of forest land (*i.e.*, 9 meters).
- (xiii) The contents of paragraph no. 26 are denied. The specific query on rejection of alternate alignment through agricultural fields having no forest areas was recommended to be resolved by a joint inspection of officials of the PWD, revenue department, geologist and the Divisional Forest Officer (pages 81-83 of the O.A.). However, no such joint inspection was carried out pursuant thereto and, in any event, none has been brought on record.
- (xiv) As regards the contents of paragraph no. 32, the District Magistrate has admitted that landslide is a common occurrence to hilly terrains. In light of this admission, it is submitted that it is entirely unconscionable and reckless on the part of the Respondent authorities to push for a completely unnecessary project that would increase the risk of further landslides and exacerbate geological vulnerability of the area. Moreover, this admission is wholly inconsistent with and contradictory to the response of the Deputy Conservator of Forest in the online proposal form that the area is not vulnerable to erosion (Point 6 of Part II of the form, page 77 of the O.A.) This is further proof that there was deliberate misrepresentation on the vulnerable nature of the area while obtaining the requisite permissions and sanction. Further, the claim that there is no connection of the landslides to the proposed road or any of its implications is wholly denied. As has already been

demonstrated by the Applicant, the landslide leading to an entire hillside caving in 2021 had occurred along the proposed alignment of this motor road, blocking the NH (around where the hillside will be cut for the proposed road) and affecting the inhabitants. Some hundreds of villagers had also been awarded compensation for the grave damage to their property (pages 126 to 128 of the O.A.). The fact that the District Magistrate does not see, or pretends not to see, any connection to the increasingly geologically-vulnerable nature of the demarcated area and the entirely unnecessary road is evidently an example of grave dereliction of public duty.

(xv) The contents of paragraph nos. 9, 14, 15, 16, 19, 23, 24, 27, 29, 33 and 34 of Para-Wise Reply are repetitive and have been addressed above. It is submitted that repeated insistence by the District Magistrate on having complied with applicable law without specifically addressing the inaccuracies and misrepresentations pointed out in their online proposal should lend credence to the Applicant's case that the entire exercise, in fact, is duplicitous and is sought to be undertaken for oblique motives, with the involvement of the Respondent State authorities. At the cost of repetition, it is urged that such bald and evasive denial by the District Magistrate would amount to admission of the allegations made out by the Applicant in the O.A.

8. It is submitted that all statements, claims and averments made in the Counter Affidavit dated 04.11.2025, which are contrary to and/or are inconsistent with what is stated hereinabove, are denied, as if the same were specifically traversed and denied. Nothing stated in the said Counter Affidavit shall be deemed admitted unless the same has been specifically admitted.

9. In light of the above, it is imperative that this Hon'ble Tribunal allow O.A. No. 279 of 2025 and permanently restrain the Respondent authorities from constructing

the proposed road from Dakaroli to village Malla Niglat, off NH-87 (now NH-109).


(Applicant)

Place: New Delhi

Date: 14.01.2026


(Bidya Mohanty)

Advocate for the Applicant

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW
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ORIGINAL APPLICATION NO. 279 OF 2025

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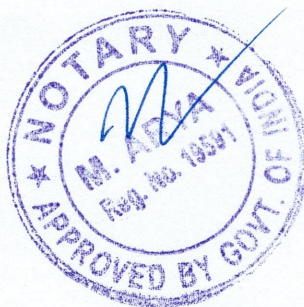
STATE OF UTTARAKHAND & ORS.

...RESPONDENT(S)

AFFIDAVIT

I, Vijay Kumar Padalia, s/o Chandra Dutt Padalia, aged about 56 years, residing at 57, Malla Niglat Bhowali, Nainital – 263 132, Uttarakhand, and presently in Delhi, do hereby solemnly affirm and state as under:

- 1) That I am the Applicant in O.A. No. 279 of 2025 and am fully conversant with the facts and circumstances of the said O.A. and am competent to swear this affidavit before this Hon'ble Tribunal.
- 2) That the accompanying Rejoinder has been drafted by my counsel at my instance. I further state that the contents of the accompanying Rejoinder have been read out and explained to me in Hindi and I state that the same are true and correct to the best of my knowledge and are in accordance with my instructions, briefing and narration.
- 3) That the documents annexed to the Rejoinder are true/translated copies of their respective originals.



V. Padalia
DEPONENT

473

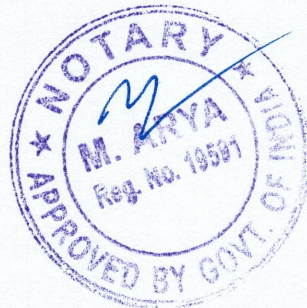
VERIFICATION

I, the deponent above named, do hereby verify that the contents of the above Affidavit are true to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom.

13 JAN 2026

Verified at _____ on this ____ day of January, 2026.

I identify the Deponent who
has Signed in my Presence



Hodalia
DEPONENT

ATTESTED
[Signature]
NOTARY PUBLIC

13 JAN 2026

<https://scroll.in/article/1089352/on-the-road-to-chardham-a-landslide-every-two-kilometres>

Common Ground

On the road to Chardham, a landslide every two kilometres

The government widened the highway despite experts flagging the risk of landslides. Now, the region is seeing the grim prediction play out.

Vaishnavi Rathore

Jan 09, 2026 · 06:30 am

On a late July evening, Ashish Dimri wound up work at his hotel. He then retired to his home in the same building. As he and his family went into deep slumber, heavy rains started to batter their village, Kaleshwar, high up in the mountains in Uttarakhand.

Around midnight, Dimri woke up to desperate calls of help from outside. When he looked out of his window at the road outside, he saw that large boulders and a mass of mud had fallen and almost buried a car of tourists. Dimri rushed out to help them.

While the tourists were pulled out of the debris in time, in the next four hours, the road became unrecognisable – boulders blocked it and mud and trees continued to slide onto it.

At 4 am, realising that even his house was on shaky ground, Dimri moved his family and staff, and the tourists, whom he had sheltered, to a relative's home 5 km away. That was the last night the family slept in their own home.

“The mountain had come down,” said Dimri, when we met him in late October.



In July, Ashish Dimri's home and hotel in the village of Kaleshwar were battered by a landslide.
Photo: Kritika Pant

This was no ordinary landslide.

The road on which Dimri's hotel stood is part of the Chardham Pariyojana, a project to widen around 890 km of existing roads in the Garhwal Himalayas to 12-metre double-laned highways. The project, which Prime Minister Narendra Modi launched in 2016, was supposed to make it easier and quicker for pilgrims to commute to four Hindu shrines in Uttarakhand – Kedarnath, Badrinath, Yamunotri and Gangotri. A fifth road that falls under the project connects Tanakpur to Pithoragarh.

But early on, an expert committee had warned that widening roads in the region without adequately protecting slopes ran significant risks. Appointed by the Supreme Court in 2019 in response to a petition filed by an NGO challenging the project, the committee found that out of the 174 slopes that were cut along just one stretch of the project between Tanakpur and Pithoragarh, 102 had become prone to landslides. The committee made recommendations to limit the damage, but these were eventually not accepted.

Now, as the project gathers pace, the consequences are becoming clear. This year, the Chardham yatra was suspended several times during the monsoon because of heavy rains and repeated landslides. [Three pilgrims](#) were also killed in a landslide.



A board advertising the Chardham yatra. Photo: Kritika Pant

For many living along the route, the project is extracting a heavy cost.

In Silli, a town nestled on the banks of the Mandakini river, on the Rishikesh-Kedarnath route, residents recounted that they began noticing a worrying phenomena in the landscape after construction on the Chardham highway began in 2019.

Pradeep, an owner of a mechanic shop on the road, pointed towards a landslide a little ahead of his shed, and explained that while elsewhere around his village, rain had historically triggered minor rockfalls and landslides, this particular location had only seen a landslide after the road was cut, and that its intensity was much more severe than the others.

“If they keep cutting for the road here, then the mountain will come down completely,” said Pradeep. “This settlement will cease to exist.”

Dimri's home was on the Rishikesh-Badrinath portion of the Chardham route. Four months after the landslide in Kaleshwar, boulders still lay in front of his home – at the same spot where they had fallen in July after, slamming into a wall, cracking it and leaving glass windows shattered. He said he had not received any compensation for the damage.



The landslide zone in the village of Kaleshwar, which lies on the Chardham Pariyojana, a project to widen around 890 km of existing roads in the Garhwal Himalayas to 12-metre double-laned highways. Photo: Kritika Pant

Two policemen were directing traffic alongside the debris, in one direction at a time. Around 15 minutes after we reached, a bulldozer arrived at the location, and began scooping up muck and levelling the potholes with it, as a temporary measure to make traffic movement easier.

“Ever since the widening work began here last year, we had told the authorities to at least make a concrete wall to prevent the mountain from sliding,” said Dimri. He pointed to some patches of a brick-and-mortar wall that were visible amid the rocks and mud of the landslide – such protection walls are sometimes built to provide support to

slopes that are cut to widen the road. “They made a weak wall that did not hold the falling rocks at all,” Dimri added.

Indeed, authorities have failed to build sufficiently strong protective walls right from the initial years of the project’s construction – as the Supreme Court-appointed committee had observed in 2019. “The most important observation by all the members of the committee was that very steep slopes were being cut and the security walls were breaking,” said Ravi Chopra, the head of the committee, when we met him in Dehradun on our way to the hills.



The Supreme Court-appointed committee observed in 2019 that authorities have failed to build sufficiently strong protective walls along the Chardham route. Photo: Kritika Pant

Over the next 300 km, driving between Rishikesh and Badrinath, we used a GPS app to tag the location of every landslide that we encountered. Dimri’s hotel was the location of the hundred-and-ninth landslide. By the time we reached Badrinath, 10,000 feet above the sea level, the count had climbed to 164.

“This is the national highway, this is the Chardham yatra,” Dimri said, shaking his head in disappointment as the bulldozer worked. “So many people come for darshan, is this what they have to see on the way to it?”

Geologists have pointed out that the risks of cutting the mountains to widen roads are exacerbated by the Himalayas’ inherent geological vulnerabilities.

A key reason for this is that large portions of the Chardham road go through the lesser Himalayas, which are mainly made up of relatively weak sedimentary rocks. In contrast, the higher Himalayas are made up of harder rocks, including igneous rocks like granite.

Further, three main thrusts or faults lie between the two regions, where tectonic plates push into each other – these faults make the region seismically active, and continue to raise the height of the mountains. “This is why Himalaya are young fragile mountains that are still evolving,” said Chopra.

He also noted that the rocks of the Himalayas tended to be disjointed – this, combined with the region’s tectonic instability, encouraged the formation of cracks and fissures. “So even if the rock itself is hard, the slope is weak because it has fissures,” Chopra said.

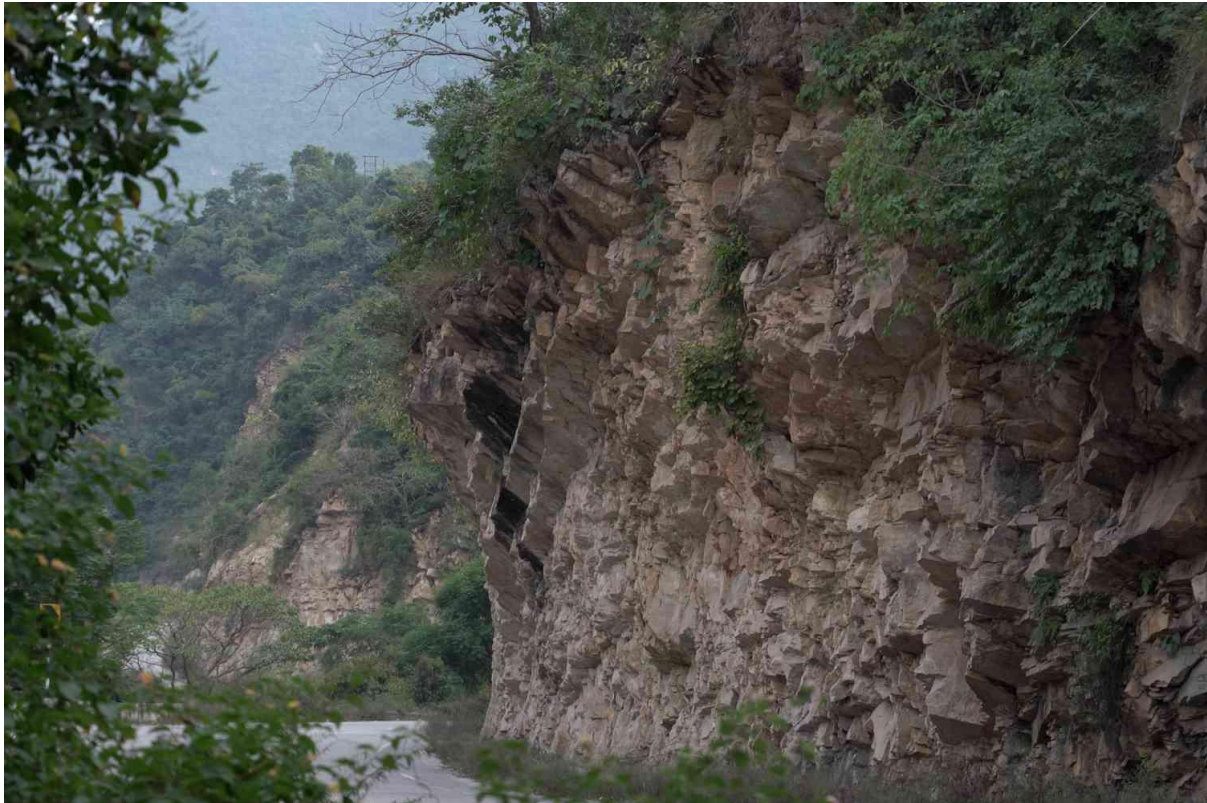


Ravi Chopra, the head of the Supreme Court-appointed committee formed in response to a petition filed by an NGO challenging the Chardham project. Photo: Kritika Pant

Indeed, a [2018 circular](#) by the ministry of road transport and highways, had taken note of this fragility and overruled an older 2012 notification of the ministry that had recommended the construction of two-lane highways in hilly regions. The 2018 circular observed that building two-lane roads was not advisable in the mountains since it could result in “destabilisation of hill slopes” and damage to “higher contours on hills due to excavation works”, and would entail “large scale felling of precious trees”.

Chopra explained that when the committee was on the site inspection tour, all members had noticed the problems of vulnerable slopes and their cutting.

But the question of the committee’s recommendations became deeply contentious, and led to a split within it.



A steeply cut mountainside near Rishikesh. Geologists have noted that the risks of cutting the mountains to widen roads are exacerbated by the Himalayas' inherent geological vulnerabilities. Photo: Kritika Pant

Five members suggested that the route should only be widened to 5.5 metres and cited the 2018 notification in support of their recommendation. They stated that the terrain would become “extremely unstable” if roads were widened to accommodate increased traffic “without due care and attention to engineering geology”. They recommended a “critical reevaluation considering inherent geological and geomorphological constraints”.

Fifteen other members, most of whom were [government officials](#), however, rejected this recommendation and instead suggested a 12-metre road. Both these recommendations were compiled in the same report. After a hearing in September 2020, the Supreme Court ruled in favour of the recommendation to limit the width of the road to 5.5 metres.

But just three months later, the ministry of defence filed an [application](#) in the court, seeking a modification of this ruling, stating that the region needed a 10-metre-wide two-lane road in the “interest of the security of the nation and for defence of its borders”.

This was a U-turn: while the high-powered committee was preparing its report, the then chief of army staff had told the members that the Indian army's requirements were fulfilled by the existing roads.

The court accepted this request and modified its earlier order, [saying](#) that “armed forces’ infrastructure needs have to be met to safeguard borders, and highways that are of strategic importance cannot be treated the same way as those in other hilly terrains”. It allowed the widening of roads on the Chardham route to resume.

Many residents of the region that we spoke with agreed that it needed better roads, but expressed concern about the pace and design of the Char Dham project. Whether it was for the movement of people or troops, “We need disaster resilient roads,” said YP Sundriyal, a Himalayan geologist and adjunct faculty at Doon University. But, he added, “These roads are causing disaster after another.”

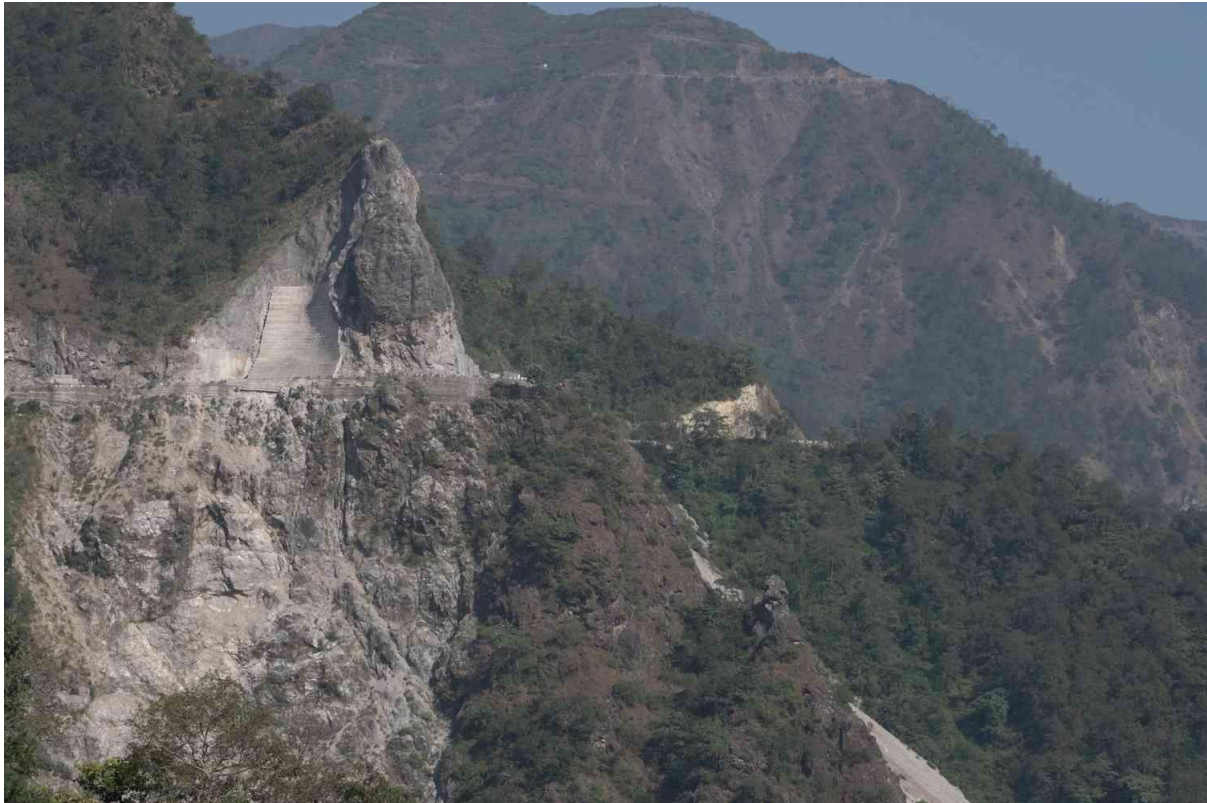
As we travelled through the region, we saw first-hand how the road-widening process destabilised slopes.

Ascending from Rishikesh, we came to a stretch of about 8 km called Tota Ghati. Here, to widen the road, the mountain had been cut to leave steep slopes above – in some cases, completely vertical slopes.

The high-powered committee report had noted that Tota Ghati had been a stable region before the Chardham project, and that “haphazard cutting” converted the region “into a disaster prone passage for local and defence movement”.

“The dominant rock in Tota Ghati is limestone,” said Sundriyal. “When the machines were not able to cut this rock, engineers used JCB and blasting.” He explained that engineers often used dynamite to blast this stretch, which led to the formation of “vertical cracks” in the mountains.

Further, Sundriyal said, “If natural slopes are cut and made vertical without giving it support at the bottom, then the loose material will come down” as landslides.



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An official from the National Highways and Infrastructure Development Corporation, or NHIDCL, one of the implementing agencies of the Chardham project, agreed that cutting the mountain for the road had triggered landslides in the region. “If the slope is cut vertically, then sometimes they become stable over time, but many of them do not,” he said, requesting anonymity because he was not authorised to speak with the media.

He explained that scientifically cutting a mountain would entail creating a gentle slope rather than a vertical one. But, he added, such slope-cutting would require more land – in this region, that would include significant chunks of forest land, for the use of which approval from the forest department would be needed.

The official then showed us an exercise that he was carrying out similar to what we were attempting, to assess the roads after the monsoons – on a piece of paper, he had noted down latitudes and longitudes of landslides he had spotted on a 30-km stretch of the Chardham route for which he was responsible. He had marked at least 20 landslides.

Chopra explained that road widening also led to landslides when authorities did not create proper exit channels for water.

In an ideal scenario, he noted, after the road is cut, channels are also created that run along it, through which rainwater can flow, and which are directed down the slope through other channels at regular intervals – this helps prevent water from accumulating along roads, and weakening slopes. “The basic principle is that water is the enemy of the slope,” said Chopra.

In Gathra, a village in Chamoli on the Badrinath route, residents are suffering the consequences of this lack of drainage.

“If the road was made with a proper system, if they had provided us a drain, then any water, like rainfall, would go away on its own,” explained resident Anil Kumar. But after the road construction at the base of the mountain began around 2017, Kumar said, water collected along it without draining away. This eroded and weakened the mountain and led to it sinking.

Several homes in their village had developed severe cracks. “It’s not like this was some existing sinking zone,” said another resident who was on his morning walk. “People have been living here for ages without experiencing any sinking. This is a man-made issue.” He added, “Zyada vikas bhi vinash ho sakta hai” – too much development can be a disaster.

Along our 300-km journey, many locals articulated similar reasoning, which had led them to conclude that the widening work had caused landslides. “We see these landslides only on this national highway where the widening has happened,” said an electric appliance shop owner in Devprayag. “We don’t see them in the narrower state highways that connect our villages.”

In Karnprayag, Bhawan Singh Rawat’s home was one of 38 that had developed massive cracks in recent years.

Locals first noticed these cracks appear when the mountain on which their locality was built was carved out for a vegetable market. But after road-widening work began here in 2019, the appearance of cracks increased dramatically, especially in those homes on the portion of the mountain that was cut for widening.

Most of the impacted families moved out of the locality, either to relatives' homes or, like Rawat, to rented accommodations. But every morning, Rawat walks to his home to spend the day there, before returning to the place he rented to sleep.

We spotted him on the morning we visited – he was sitting on a chair in the balcony of the third floor of his home, looking down at traffic. It seemed risky, given that the two floors below looked completely dilapidated.

“There is nothing to do there in the rented home, the rooms are so small,” said Rawat, who is almost 90.



Bhawan Singh Rawat's house was one of 38 in Karnaprayag that developed massive cracks in recent years. Rawat and his family moved to a rented house for their safety. Photo: Kritika Pant

Of the owners of 38 houses that developed cracks, the NHDCL has compensated only four. Mukesh Khanduri was among them. “Initially, they were not accepting that the

sinking and cracks were because of them,” he said. He explained that the corporation argued that the problem could not have been caused by road-widening work since the construction was not directly impacting their homes.

But Khanduri and others argued that the work had destroyed the “roots” of the land in the area, “which were the large rocks, trees, and protection walls”. Once that base was weakened, Khanduri explained, the land started to sink, causing cracks in homes. A half-foot wide crack ran through a wall in his home, which he had filled with rocks in an attempt to provide some vertical support to the structure.

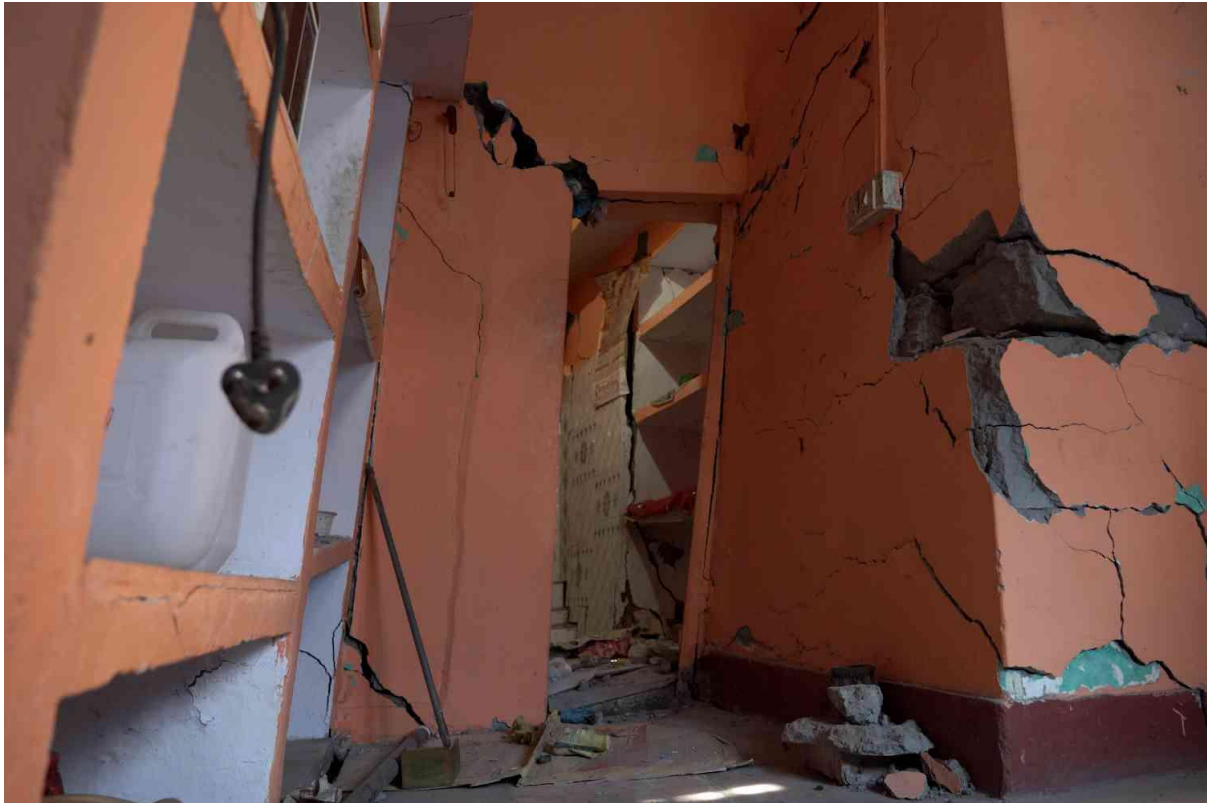
“Many disasters like earthquakes and cloudbursts are natural, we cannot do anything about them,” said Khanduri. “But this is unscientific work happening here. This is not natural.”

Khanduri first raised his complaint with officials in 2021, but only received the compensation early this year. His neighbour Purshottam Kothiyal, with whom he shares a boundary wall, was not compensated. “The houses are next to each other here,” said Kothiyal. “If my neighbour got the compensation, then everyone here should have gotten.”



Mukesh Khanduri's house was one of the four of a total of 38 houses that developed cracks for which the NHDCL provided compensation. Photo: Kritika Pant

Cracks run over the walls of his home too. We spotted a “crackometer”, a small plastic device that the administration had installed over a crack, like a band-aid, which measures the expansion of cracks over time. The device indicated that the crack had extended to almost 20 mm, or a little more than half an inch. “When they first put the crackometer two years ago it was very small,” said Kothiyal. He continues to live there with his wife.



Another house in Karnaprayag that has developed massive cracks. Photo: Kritika Pant

In Silli, residents had another problem. This October, many residents woke up to notices on their doors that instructed them to vacate their homes in the next two days because the land would be needed to widen the road.

This came as a shock to many, since this work had begun in 2019, and one round of demolitions had already been carried out. “When they first demarcated it, they told us that around 14-metre-wide roads will be made,” said Manoj Benjwal, a resident.

Benjwal earlier had shops that fell within the land that was acquired for the widening work and hence were demolished – he believed that would be the last of his troubles. “But now about a month ago they told us that they will be demolishing up to 24 metres,” he said. Indeed, when we visited, several homes and shops were being demolished in Silli.



In Silli, several homes and shops were demolished to widen a road as part of the Chardham project work. Photo: Kritika Pant

“Nowhere in the Rishikesh-Badrinath road has the widening been done up to 24 metres,” said Benjwal. “Everywhere else it is 12 metres, then why this much here?”

The NHIDCL official offered a clarification on this question. He said that although authorities only planned to widen the road to 12 metres currently, they typically sought to “acquire a right of way of 24 metres” – that is, to acquire rights to use this land for any associated work with the project. But, he added, at many places, this acquisition was stalled after residents protested.

Along our journey, we crossed several “landslide zones” – dusty stretches of road with boulders and debris on both sides, indicators that they had seen several landslides over the years. Many of these zones had existed even before road-widening under the Chardham project began.

Conversations with geologists and locals revealed that there was a contradiction inherent in authorities' approach to some of these stretches, in contrast with their work on others.

For instance, one of the oldest such zones was Sirobagad, just short of Rudraprayag, which started seeing landslides around 1920. In 1969, the area saw such intense rockfall that the flow of the Alaknanda river, which runs parallel to the road, was blocked.

Incidents like this led the high-powered committee to term Sirobagad landslide the “most notorious” one “to affect Indian road network”. In 2020, the Supreme Court asked the committee to submit another detailed report examining the defence ministry's application. In this submission, the committee noted that though the government had spent “crores of rupees” on trying to tackle the problem, it had not been successful – and that the landslide zone remained active today.

The committee found that authorities overseeing the road-widening work in the area took its history of landslides into account and, unlike on other portions of the Chardham route, carried out only minimal work on it.



A sign warning of landslides. The Chardham route passes through several "landslide zones", which have seen landslides over the years. Photo: Kritika Pant

But this caution did not extend to several other such “chronic” landslide and subsidence zones, the committee stated in its report. These “would have required special care and engineering treatment during the road widening by CD Pariyojana, but were ignored”, the committee observed.

Now, in the last year, the NHIDCL and the Public Works Department of Uttarakhand have been attempting different mitigation measures in many areas on the route, after most of the road widening has been completed. The most common measure we saw at work was “anchoring” – a process in which hollow iron poles between 10 and 15 metres long are drilled into the mountain, and concrete poured through them to fill cracks in mountains. This, authorities claim, can help stabilise a slope.

Sundriyal expressed doubts over whether this method was advisable. “Putting cement inside is dangerous,” he said. “This process is not making the rock any stronger.”



Anchoring is a process in which hollow iron poles between 10 and 15 metres long are drilled into mountains, and concrete poured through them to fill cracks in the mountains. Photo: Kritika Pant

Another measure entailed covering mountain slopes with strong iron meshes intended to catch any large boulders falling onto the road. At a point between Totaghati and Devprayag, we had a short conversation with workers installing the iron mesh on the mountain face. “What is the advantage?” said one worker disinterestedly. “When large boulders fall into the mesh, the entire mesh will come down. We’ll have to put it up again.”

On mountain after mountain along our journey, we saw one of these two measures. “We have started to do these measures wherever we have noticed sliding happened because of the road cutting,” said the NHIDCL official. “Since we just started this year, we are yet to see how successful this measure would be.”



Some mountain slopes are covered with strong iron meshes intended to catch any large boulders falling onto the road. Photo: Kritika Pant

When we finally reached Badrinath, the Chardham season was coming to an end for the year, and only a thin stream of tourists were visiting the temple. The town's few restaurants, hotels, and resthouses would soon wind up, and most locals would travel to Joshimath and Auli at lower altitudes to spend the winters.

A young prashad seller who was stationed on the path leading up to the Badrinath temple explained that this monsoon had seen roadblocks at several places in the area, especially in the last stretch from Joshimath to Badrinath, often leaving only a single lane operational. "We are looking forward to the next season," he said. "This season was quite poor because of the rain."

As we continued to drive downhill, we crossed the several landslides that we marked earlier, and passed through Joshimath, a town that has been in the news for its crisis of land subsidence, even as large hydropower projects come up near it, as well as a new railway line being built by blasting through the mountains from Rishikesh to Karnprayag.

As we drove through Karnprayag, dusk had fallen. We could not help but gaze up at 90-year-old Rawat's dilapidated three storied home – there he was, sitting on his chair, peering down at the road.

This report was [funded by Scroll readers](#).



Outlook

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O.A. No. 279 of 2025 | Vijay Kumar Padalia v. State of Uttarakhand & Ors. | Rejoinders to Counter Affidavits filed by District Magistrate, Nainital and Commissioner, Kumaon Division

From Bidya Mohanty <bidyamohanty19@outlook.com>**Date** Wed 2026-01-14 19:09**To** adv.deepakbora@gmail.com <adv.deepakbora@gmail.com>**Cc** Sumedha Ray Sarkar <sumedharaysarkar@gmail.com>

2 attachments (9 MB)

Rejoinder - O.A. No. 279 of 2025 - District Magistrate.pdf; Rejoinder - O.A. No. 279 of 2025 - Commissioner.pdf;

Dear Mr. Bora,

Attached, please see the Rejoinder Affidavits sought to be filed on behalf of the Applicant to (i) the Counter Affidavit filed by the District Magistrate, Nainital, and (ii) the Counter Affidavit filed by the Commissioner, Kumaon Division, Uttarakhand, in O.A. No. 279 of 2025.

This e-mail may be treated as a record of service of the said Rejoinder Affidavits on Respondent Nos. 1 to 5 (State of Uttarakhand, Department of Forest and Environment; Nodal Officer, Forest Conservation; Commissioner, Kumaon Division; District Magistrate, Nainital; Principal Chief Conservator of Forests, Dehradun)

Regards,

Bidya Mohanty

Advocate

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