

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

I.A No. 436/2025 In Original Application No.163/2024.

In the case of :
(Applicant/Petitioner)

Rasikh Rasool Bhat

V/s

Union Territory of J&K &Ors.

(Non-Applicant/Respondent)

In the matter of: **Reply on behalf of respondent No. 02, 04 & 05**

May it please you Lordships;

The answering respondent most respectfully submit as under:-

That the roads constructed by the Department of PWD (R&B) are aimed to ease of access for the masses particularly for the places of social, economic and cultural spots & the instant road is aimed to boost the economy of the region and also for the promotion of tourism. It is further to reproduce that the road has been constructed primarily for National security and defense utility, as the said road serves only connectivity to the adjoining camps of Nagranar, Badarakali, Yemlar, Wadder, Bala, Mohaldoori and Bangus Base Camp, where the security forces of the country are performing their duties in the harsh conditions with no transport / logistic support and will serve as the shortest possible option for Bangus valley with a length of 40.50Kms from Handwara to the Bangus valley.

The instant road is being constructed as per the norms and the respondents have always ensured that no violation of environmental laws is done as the respondents are civilized citizens and are well aware of the constitutional and moral obligations with respect to environment in general and other duties towards the locals.

It is most respectfully submitted that the applicant is making bald allegations against the answering respondents for his political gains as the answering respondents are constructing the road as per the applicable normal of the project. The answering respondents would never imagine of doing anything which would cause any harm to the environment. The respondents being the

public servants are well aware of the duties towards the people and also are well aware of the constitutional and statutory obligations and have always acted in consonance to these rules.

Para-wise reply is as under:-

Para 01.No environmental hazardous takes place as the road is of ODR nature which does not require any environmental clearances. This department has not done any substantial land use of chemical materials. However, there is not any mining execution at present in the Baikhaikher Nallah. It pertains to Geology and Mining Department.

Para 02. The bituminous work is going on Handwara Bangus road and 19 KM stands completed. However, this department is using VG-10 grade of bituminous which is chemical free and doesn't possess a threat flora and fauna.

Para 03. This department has never involved in any such practices as it pertains to irrigation and flood control department.

Para 04. However, the applicant has filled an RTI Through online portal (p/s copy enclosed) for viewing the starting environmental clearances of this road it is pertinent to mention here that only state highway and National Highway comes under the ambit of EIA notification 2006. as such Handwara Bangus road doesn't come in this categories all the protection works to protect the surface runoff and stop soil erosion so, that environmental, ecological can be maintained.

Para 05. That the contents of the para are baseless based on submission and conjunctures which are far from reality it is submitted in reply that the calculation and analysis intimated by the forest Department, an amount of Rs 3.81 crore stand estimated with the Forest Department which is not the cost as the ownership of the forest land doesn't change and the amount transferred is subsequently utilized by the Forest Department for afforestation purpose under CAMPA or any other such afforestation programme taken up by the said department from time to time on a yearly base. The road permission is not accorded merely on assurances but certain joint inspection and surveys are conducted by the stakeholder Departments periodically before arriving to any conclusive decision. As labeled that 25000 trees have been cut / de-rooted is purely a defamation and intentionally misrepresentation of figures. The joint site inspection was done by the R&B Department and Divisional Forest Officer Langate forest Division, as per the joint inspection only 1002 trees of different categories such as deodar, Kail, and Fir are



coming under the alignment of road. The trees thus marked coming in the alignment are cut down by SFC (a sister concern of forest Department). As such R&B Department has no role in cutting down of trees, as misrepresented by the petitioner in his petition.

A copy of Joint inspection is annexed herewith as Annexure p1.

Para 06. This Department has already construction a road of about 40.50 KM from Handwara to Bangus valley. Keeping a close vigil over its protection works and other related woks to minimize the damages caused due to construction and future damages as well (annexure enclosed as p2 showing all the proposed / constructed protection and drainage works) some photographs have been attached herewith for ready reference of Hon'ble court for their kind perusal. The Governance of the federation is aimed to defend its territory, population, integrity & it is legitimate & obligatory duty of every citizen & Department to ensure the intactness of unified borders & the instant road execution is an attempt though least to equip our combating forces with alternative road facility as and when required by them & this shall amount to be a contribution for the purpose by a civil Department on long run.

Yours faithfully



Executive Engineer
R&B Division Handwara
Handwara

Copy to the:-

01. Chief Engineer PW(R&B) Department North Kashmir, please.
02. Superintending Engineer PWD(R&B) Circle Kupwara for information.
03. Assistant Executive Engineer R&B Sub Division Handwara / Rajwar for information.
04. Technical Officer Divisional Office for information.
05. Public Law Officer PW(R&B) Department Civil Secretariat Srinagar for information.
06. Assistant Legal Remembrancer PWD(R&B) North Kashmir for information.

"Annexure - P1"

"Annexure - P1"

(42)

Government of Jammu & Kashmir

OFFICE OF THE EXECUTIVE ENGINEER R&B DIVISION HANDWARA.

JOINT SITE INSPECTION REPORT

A proposal has been submitted under the J&K Forest (Conservation) Act 1997 for use of forest land for non forestry purpose. The subject envisages the use of forest land for construction of Handwara to Bungus road. The site inspection of the land involved in the proposal has been done by us on dated:- 02-07-2017 to 25-07-2017. On inspection of the site, it is found that the land required by the user agency is a forest land measuring 14.00ha.

Date: 25-07-2017
Place: Handwara

Executive Engineer
R&B Division Handwara

(a) The user agency has not violated the provision of J&K Forest (Conservation) Act 1997, and no work has been started without proper sanction.

Handwara
Place: Handwara
Dated: 27-07-2017

Divisional Forest Officer,
Langate Forest Division,
Langate.

P
Joint Ins

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compensation of forest crop coming under the construction of
 Inra to Bungus (km 1 to 35) by PWD (R&O) Division II Andwara
 Compartment Nos. 2, 3a, 3b, 5, 6, 10, 11, 13, 14, 15, 16, 24, 25,

46
 97

	Dia- class	No of Trees/ Poles	Standard Rate/ Tree	Amount in Rs	2 Times Compensation (Net Amount)	
	0-10	204	170	34680.00	69360.00	
	10-20	153	650	99450.00	198900.00	
	20-30	84	130	10920.00	21840.00	
	30-40	46	2450	112700.00	225400.00	
	40-50	35	4150	145250.00	290500.00	
	50-60	23	6700	154100.00	308200.00	
	60-70	21	10480	220080.00	440160.00	
	70-80	04	14030	56120.00	112240.00	
	80-90	05	18110	90550.00	181100.00	
	90-100	01	24080	24080.00	48160.00	
	100 Over	02	26450	52900.00	105800.00	
		578		1000830.00	2001660.00	
Kail	0-10	08	110	880.00	1760.00	
	10-20	27	410	11070.00	22140.00	
	20-30	25	820	20500.00	41000.00	
	30-40	25	1280	32000.00	64000.00	
	40-50	10	2200	22000.00	44000.00	
	50-60	07	4560	31920.00	63840.00	
	60-70	01	6730	6730.00	13460.00	
	70-80	0	0	0	0	
	80-90	0	0	0	0	
	90-100	0	0	0	0	
	100 Over	0	0	0	0	
	TOTAL	103		125100.00	250200.00	
01	FIR	0-10	23	70	1610.00	3220.00
02		10-20	02	270	540.00	1080.00
03		20-30	29	450	13050.00	26100.00
04		30-40	60	1130	67800.00	135600.00
05		40-50	32	2000	64000.00	128000.00
06		50-60	60	3940	236400.00	472800.00
07		60-70	39	6480	252720.00	505440.00
08		70-80	33	9060	298980.00	597960.00
09		80-90	22	10970	241340.00	482680.00
10		90-100	13	13170	171210.00	342420.00
11		100 Over	08	14120	112960.00	225920.00
	TOTAL	321		1460610.00	2921220.00	
	G. TOTAL	1002	0	2586510.00	5173080.00	
	D/K/F					

967-1012
 20/11/2011

Range Officer,
 Rajwar

DFO, Langate Forest Division,
 Langate

REVISED ABSTRACT FOR CONSTRUCTION COMPONENT					
for					
Construction of Handwara-Bangus Road					
S no	Item of work	Unit	Qty.	Allotted Rate in Rs.	Amount in Lacs.
1	Earthwork				0.75
a.	Cutting of Trees				0.75
i).	Girth above 1800 mm to 2700 mm	No	156.00	50.00	0.78
ii).	Stump removal	No	967	50.00	0.48
b.	Excavation in soil in hilly areas by mechanical means				
i).	All kinds of soils	Cum	359366	99.00	355.77
ii).	Ordinary rock	Cum	23958	175.00	41.89
iii).	Hard rock (requiring blasting).	Cum	95831	240.00	229.77
iv).	Filling available earth	Cum	83500	80.00	66.65
	Drainage				
i).	Construction of 1 X 10 M span Bridge	No	1	13535400	135.35
ii).	Construction of 1 X 6 M span Culvert	No	2	3006460	60.13
iii).	Construction of 1 X 5 M span Culvert	No	1	2135969	21.36
iv).	Construction of 1 X 3 M span Culvert	No	8	1926344	154.11
v).	Construction of 1 X 2 M span Box Culvert	No	10	1062478	106.25
vi).	Construction of Causeway	No	4	755400	30.22
	Providing/ Laying of RCC spun pipes				
a).	600 mm dia pipe culvert	No	43	148192	63.72
b).	900/1000 mm dia pipe culvert	No	22	180592	39.73
vi).	Construction of Cement Concrete Drain	Rm	1375	3196	43.95
3	Protection Works				
i).	Construction of R/Wall	Rm	1067.253	15168	161.88
ii).	Construction of B/Wall	Rm	785	10103	79.31
4	Estimate for Road Furniture				7.78
				Total	1598.56

Assistant Ex. Engineer
R&B Sub Division Handwara.

Executive Engineer
R&B Division Handwara

Superintending Engineer
R&B Circle Baramulla
Superintending Engineer
PWD (R&B) Circle Bla./Kup.
H.Q. Baramulla

Chief Engineer
PW(R&B) Kashmir

No of Culvert's / Cross drainage = 21 NO's
of different spans

Construction of R/Wall (Retaining) =

1067.25 Rm (Running meters)

Construction of B/Wall (Breast wall) =

785 Rm (do -)

Shandil



Time: 11-03-2024 12:30
Note: handwara bangus road RD 4200

Powered by NiteCam



Latitude: 34.375556
Longitude: 74.265877
Elevation: 1656.33±3 m
Accuracy: 2.6 m
Time: 06-01-2024 11:49
Note: 3 mtr box culvert at Rd 4200



Time: 06-06-2024 14:42
Note: HANDWARA BANGUS ROAD IN KM 9200

Powered by NoteCam



Latitude: 34.386072
Longitude: 74.282624
Altitude: 1640.0±37 m
Accuracy: 25.0 m
Time: 10-11-2024 12:15
Note: Handwara Bungus Road
in2km



Latitude: 34.394046
Longitude: 74.289706
Elevation: 1639.19±3 m
Accuracy: 2.3 m
Time: 31-08-2024 14:24

Note: concrete Brest wall com drain at Rd zero

Powered by NoteCam