

**Jammu and Kashmir  
Pollution Control Committee**

chairman87jkpcb@gmail.com  
membersecretaryjkpcb@gmail.com

0191 – 2472881, 2476925

94



Parivesh Bhavan, Forest Complex  
Transport Nagar, Jammu, 180 006

Silk Factory Road  
Rajbagh, Srinagar, 190 008

The Consultant Judicial,  
Hon'ble National Green Tribunal,  
Principal Bench,  
New Delhi.

No: JKPC/NGT/OA 229/2025/1169

Date:-13 -09-2025

**Sub:- Report on behalf of Jammu and Kashmir Pollution Control Committee in pursuant to Hon'ble National Green Tribunal, order dated 08-05-2025 passed in OA No. 229/2025, titled "Ghulam Nabi Bhat V/s National Highway Authority of India and Ors".**

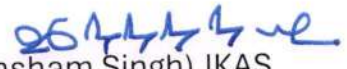
Sir,

In compliance to the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi order dated **08-05-2025 passed in OA No. 229/2025, titled "Ghulam Nabi Bhat V/s National Highway Authority of India and Ors"**, the Report of the J&K Pollution Control Committee is submitted herewith.

It is, therefore, requested that the Report may kindly be taken on record and placed before the Hon'ble NGT for consideration.

Yours faithfully,

**Encl:- As Above**

  
(Ghansham Singh) JKAS

Member Secretary

J&K PCC

13-9-25

95  
Before the Hon'ble National Green Tribunal  
Principal Bench, New Delhi

Original Application No. 229 of 2025

IN THE MATTER OF

“Ghulam Nabi Bhat V/s National Highway  
Authority of India and Ors”.

**Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal, order dated 08-05-2025 passed in OA No. 229/2025, titled “Ghulam Nabi Bhat V/s National Highway Authority of India and Ors”.**

**Background:**

That the Hon'ble National Green Tribunal vide Notice dated 08-05-2025 in OA No. 229 of 2025 directed as follows: -

*“In this original application, the Applicant has raised an issue of damage caused to the Applicant's orchard/agricultural field on account of water logging due to choking of a waste water drain in the course of construction of a flyover by the Respondents No. 1 and 2. The plea of the Applicant is that the Apple orchard of the Applicant located at Wathora, Batpora, Tehsil Chadoora, District Budgam, Union territory of J&K and the water logging has led to flooding/damaging of approximately 6.5 Kanals of the said orchard/agricultural field. The Applicant further alleges that the Respondents No. 1 and 2 are engaged in construction of Srinagar Ring Road flyover bridge near to the Orchard/Agricultural field of the Applicant and in that process since the drain has been clogged with the construction material, therefore, the flooding has taken place resulting in damage to the orchard.*

*In this original application, the Applicant has claimed the remedial/restoration action as also the compensation for the damage caused. The oral prayer made by learned Counsel for the Applicant to implead the Horticulture Department is accepted. Let the cause title of the OA be amended by the Applicant.*

*Issue notice in OA and IA No. 350/2025 to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing through e-filing. The Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.”*

*26/5/25*

In compliance to the directions of Hon'ble NGT, Principal Bench, New Delhi dated **08-05-2025** in **OA No. 229 of 2025**, the report of the J&K Pollution Control Committee is submitted as under: -

1. That Regional Director, J&K Pollution Control Committee, Kashmir was directed to share a factual status report in respect of the extent of damage caused in the Orchard and actual cause of damage, vide this office No. JKPCC/Sc./OA/229/2025/352; dated: 28.05.2025 **(Copy enclosed as Annexure 1)**.
2. Director, Horticulture, Planning and Marketing Department, J&K was requested to share a factual status report in respect of the extent of damage caused in the Orchard and actual cause of damage, vide this office No. JKPCC/Sc./OA/229/2025/351; dated: 28.05.2025 **(Copy enclosed as Annexure 2)**.
3. Project Director, NHAI, PIU, Ramban was requested to share Action Taken report w.r.t remedial measures taken and restoration action as also the compensation for the damage caused to the Applicant's Orchard in the light of the inspection report of the Divisional Officer, J&K PCC, Budgam vide this office No. JKPCC/Sc./OA/229/2025/589-591; dated: 30.06.2025 followed by reminder vide No. JKPCC/Sc./OA/229/2025/688-690; dated: 24.07.2025 **(Copy enclosed as Annexure 3 & 4)**.
4. Superintending Engineer, PWD (R&B), Budgam was also requested to share Action Taken report w.r.t remedial measures taken and restoration action as also the compensation for the damage caused to the Applicant's Orchard in the light of the inspection report of the Divisional Officer, J&K PCC, Budgam vide this office No. JKPCC/Sc./OA/229/2025/586-588; dated: 30.06.2025 followed by reminder vide No. JKPCC/Sc./OA/229/2025/691-693; dated: 24.07.2025, No. JKPCC/Sc.

/OA/229/2025/827-829; dated: 07.08.2025, No. JKPCC/Sc./OA/229/2025/939-941; dated: 20.08.2025, No. JKPCC/Sc./OA /229/2025/1008-1010; dated: 25.08.2025 and No. JKPCC/Sc./OA /229/2025/1045; dated: 01.09.2025 **(Copy enclosed as Annexure 5-10).**

5. **Regional Director, J&K PCC Kashmir:**

Regional Director, J&K PCC, Kashmir submitted his report vide No. PCC/RDK/LS(NGT)/2025/781-782; dated; 18.06.2025 **(Copy enclosed as Annexure 11)**. Highlights of the report are briefly summarized as under;

- a) The construction of the semi-circular ring road at Batpora Wathoora resulted in physical division of the land, leading to the accumulation of surface water by obstructing the natural flow of irrigation water that led to persistent water logging in the Orchard of the complainant.
- b) The common drainage point from the complainant was a cross drainage Hume pipes laid previously by Roads and Buildings Department across the Srinagar Wathoora Batpora road that has now got blocked due to construction activity of semi-ring road, resulting in persistent water logging in the Orchard.
- c) The owner of the Orchard was found dewatering the accumulated water from the drain from the side of his Orchard by means of dewatering pump at the time of inspection.

6. **Chief Horticulture Officer, Budgam:**

The Chief Horticulture Officer Budgam submitted his report vide No. CHO/Bud/Dev/2025-26/2552-53; dated: 30.07.2025 **(Copy enclosed as Annexure 12)**. Highlights of the report are briefly summarized as under:

- a) The said high density Orchard was established during the year 2018 under the scheme PMDP and is spread over an area of 06 kanals.



- b) The entire area where the Orchard has been established is low-lying. However, at the time of establishment of Orchard complete drainage of the water was ensured by the Department to prevent any damage due to water stagnation. Accordingly, the said Orchardist has developed the drainage channels and the threat of water stagnation was effectively addressed.
- c) The Orchard exhibited normal growth and fruit production until 2023, when the drainage system was disrupted due to the construction of a road/flyover by the NHAI, located about 30 feet from the Orchard.
- d) The filling and compaction associated with road construction led to blockage of the Orchard's drainage channels, resulting in complete water stagnation in the Orchard.
- e) Prolonged stagnation of water led to the emergence of root-rot problem, affecting around 300 plants. The remaining Plants are showing stunted growth and are at risk of further damage unless the drainage system is promptly reconstructed or improved.
- f) That due to the construction of the road/flyover approximately 30ft from the Orchard has blocked the drainage channels and compacted soil pores. This has resulted in severe water stagnation, which in turn has damaged the fruit plants in the Orchard.
- g) Further, as regards the extent of damages caused to the Orchard, it has been reported that the Orchard in question is spread over an area of 6 kanals with 955 apple fruit plants of various strains viz. Gala, Red Delicious, Fuji, and Golden and 300 apple plants have completely dried or damaged, corresponding to 30% of the total plantation and out of the remaining 695 plants, the majority show yellowing of leaves and stunted growth due to water stagnation


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during precipitation, accounting for about 20-25% loss to the plants.

The Divisional Officer, J&K PCC, Budgam has further verified the reply submitted by Chief Horticulture Officer, Budgam and have largely endorsed the report of the Chief Horticulture Officer, Budgam vide No. PCC/DO/Bud/2025/331; dated: 09.09.2025. **(copy enclosed as Annex-13)**

**Prayer:**

In the premises, it is therefore respectfully prayed that the report may kindly be taken on record before the Hon'ble National Green Tribunal for consideration.

  
(Ghansham Singh)  
Member Secretary  
J&K PCC 13.9.25

**Jammu and Kashmir  
Pollution Control Committee**

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Rajbagh, Srinagar, 190 008

Regional Director,  
JK Pollution Control Committee,  
Kashmir.

No: JKPC/Sc./OA -229/2025/ 352

Dated:- 28-05-2025

**Sub:- OA No.229/2025, titled "Ghulam Nabi Bhat V/s National Highway Authority of India & Ors".**

Ref: Hon'ble NGT order dated 08-05-2025.


Sir,

Please refer to the subject and reference cited above. In this connection, I am to convey that Hon'ble NGT vide its order dated 08-05-2025 in the matter of OA No.229/2025, titled "Ghulam Nabi Bhat V/s National Highway Authority of India & Ors" have made following observations: -

*In this original application, the Applicant has raised an issue of damage caused to the Applicant's orchard/agricultural field on account of water logging due to choking of a waste water drain in the course of construction of a flyover by the Respondents No.1 ad 2. The plea of the Applicant is that the Apple orchard of the Applicant located at Wathora, Batpora, Tehsil Chadoora, District Budgam, Union territory of J&K and the water logging has led to flooding/damaging of approximately 6.5 Kanals of the said orchard/agricultural field. The Applicant further alleges that the Respondents No.1 and 2 are engaged in construction of Srinagar Ring Road flyover bridge near to the Orchard/Agricultural field of the Applicant and in that process since the drain has been clogged with the construction material, therefore, the flooding has taken place resulting in damage to the orchard.*

As such, you are requested to share a factual status report in respect of the extent of damage caused in the orchard & actual cause of damage by or before 20-06-2025 for further needful compliance to Hon'ble NGT.

**Yours faithfully**

  
(Ghansham Singh) JKAS  
Member Secretary 28.5.25

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Director Horticulture,  
Planning & Marketing Department  
Jammu & Kashmir.

No: JKPCC/Sc./OA -229/2025/351

Dated:- 28-05-2025

**Sub:- OA No.229/2025, titled "Ghulam Nabi Bhat V/s National Highway Authority of India & Ors".**

Ref: Hon'ble NGT order dated 08-05-2025.

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*In this original application, the Applicant has raised an issue of damage caused to the Applicant's orchard/agricultural field on account of water logging due to choking of a waste water drain in the course of construction of a flyover by the Respondents No.1 ad 2. The plea of the Applicant is that the Apple orchard of the Applicant located at Wathora, Batpora, Tehsil Chadoora, District Budgam, Union territory of J&K and the water logging has led to flooding/damaging of approximately 6.5 Kanals of the said orchard/agricultural field. The Applicant further alleges that the Respondents No.1 and 2 are engaged in construction of Srinagar Ring Road flyover bridge near to the Orchard/Agricultural field of the Applicant and in that process since the drain has been clogged with the construction material, therefore, the flooding has taken place resulting in damage to the orchard.*

As such, you are requested to share a factual status report in respect of the extent of damage caused in the orchard & actual cause of damage by or before 20-06-2025 for further needful compliance to Hon'ble NGT.

**Yours faithfully**

  
(Ghansham Singh) JKAS

Member Secretary 28.5.25



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Rajbagh, Srinagar, 190 008

**Project Director,  
NHAI,  
PIU, Ramban, J&K.**

No.: JKPCC/Sc./OA-229/2025/ 688-690

Date: 24-07-2025

**Sub: O.A No. 229/2025, titled "Ghulam Nabi Bhat V/s National Highway  
Authority of India & Ors."**

**Ref: JKPCC/Sc./OA-229/2025/589-591;dated: 30.06.2025.**

Sir,

With regard to the subject and reference cited above you are again requested to share Action Taken w.r.t remedial measures taken and restoration action as also the compensation for the damage caused to the applicant's orchard by or before **05.08.2025**.

Yours faithfully,

  
(Ghansham Singh)JKAS  
Member Secretary

24.7.25

**Copy to:**

1. Deputy Commissioner Budgam for favor of Information.
2. Regional Director, JKPCC Kashmir for Information and necessary action.



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**ITUW TSA**  
NEW DELHI 2024

**Project Director,  
NHAI,  
PIU, Ramban, J&K.**

No.: JKPC/Sc./OA-229/2025/589-591

Date: 30-06-2025

**Sub: O.A No. 229/2025, titled "Ghulam Nabi Bhat V/s National Highway Authority of India & Ors."**

**Ref: Hon'ble NGT order dated 08.05.2025.**

Sir,

Please refer to the subject cited above. In this connection, I am to convey that Hon'ble NGT vide its order dated 08.05.2025 has issued following directions (copy enclosed).


*"In this original application, the Applicant has raised an issue of damage caused to the Applicant's orchard/agricultural field on account of water logging due to choking of a waste water drain in the course of construction of a flyover by the Respondents No. 1 and 2. The plea of the Applicant is that the Apple orchard of the Applicant located at Wathora, Batpora, Tehsil Chadoora, District Budgam, Union territory of J&K and the water logging has led to flooding/damaging of approximately 6.5 Kanals of the said orchard/agricultural field. The Applicant further alleges that the Respondents No. 1 and 2 are engaged in construction of Srinagar Ring Road flyover bridge near to the Orchard/Agricultural field of the Applicant and in that process since the drain has been clogged with the construction material, therefore, the flooding has taken place resulting in damage to the orchard.*

*In this original application, the Applicant has claimed the remedial/restoration action as also the compensation for the damage 2 caused. The oral prayer made by learned Counsel for the Applicant to implead the Horticulture Department is accepted. Let the cause title of the OA be amended by the Applicant."*

Further, spot inspection was carried out by, Divisional Officer, J&K PCC, Budgam on 14.06.2025 and Inspection report is enclosed as Annexure II for reference and record.

In the light of above directions and report of Divisional Officer, J&K PCC, Budgam you are requested to share Action Taken w.r.t remedial measures taken and restoration action as also the compensation for the damage caused to the applicant's orchard.

Yours faithfully,

  
(Ghansham Singh)JKAS  
Member Secretary 30-6-25

**Copy to:**

1. Deputy Commissioner Budgam for favor of Information.
2. RD Kashmir for Information and necessary action.



104



Annex

**Superintending Engineer,  
Public Works (Road and Buildings) Department,  
Budgam.**

No.: JKPC/Sc./OA-229/2025/586-588

Date: 30.06.2025

Sub: O.A No. 229/2025, titled "Ghulam Nabi Bhat V/s National Highway Authority of India & Ors."

Ref: Hon'ble NGT order dated 08.05.2025.

Sir,

Please refer to the subject cited above. In this connection, I am to convey that Hon'ble NGT vide its order dated 08.05.2025 has issued following directions (copy enclosed).


*"In this original application, the Applicant has raised an issue of damage caused to the Applicant's orchard/agricultural field on account of water logging due to choking of a waste water drain in the course of construction of a flyover by the Respondents No. 1 and 2. The plea of the Applicant is that the Apple orchard of the Applicant located at Wathora, Batpora, Tehsil Chadoora, District Budgam, Union territory of J&K and the water logging has led to flooding/damaging of approximately 6.5 Kanals of the said orchard/agricultural field. The Applicant further alleges that the Respondents No. 1 and 2 are engaged in construction of Srinagar Ring Road flyover bridge near to the Orchard/Agricultural field of the Applicant and in that process since the drain has been clogged with the construction material, therefore, the flooding has taken place resulting in damage to the orchard.*

*In this original application, the Applicant has claimed the remedial/restoration action as also the compensation for the damage 2 caused. The oral prayer made by learned Counsel for the Applicant to implead the Horticulture Department is accepted. Let the cause title of the OA be amended by the Applicant."*

Further, spot inspection was carried out by Divisional Officer, J&K PCC, Budgam on 14.06.2025 and Inspection report is enclosed as Annexure II for reference and record.

In the light of above directions and Inspection report of Divisional Officer, J&K PCC, Budgam you are requested to share Action Taken w.r.t remedial measures taken and restoration action as also the compensation for the damage caused to the applicant's orchard.

Yours faithfully,

  
(Ghansham Singh)JKAS  
Member Secretary

30.6.25

Copy to:

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**Superintending Engineer,  
Public Works (Road and Buildings) Department,  
Budgam.**

No.: JKPC/Sc./OA-229/2025/691-693

Date: 24-07-2025

Sub: O.A No. 229/2025, titled "Ghulam Nabi Bhat V/s National Highway  
Authority of India & Ors."

Ref: JKPC/Sc./OA-229/2025/586-588; dated: 30.06.2025.

Sir,

With regard to the subject and reference cited above you are again requested to share Action Taken w.r.t remedial measures taken and restoration action as also the compensation for the damage caused to the applicant's orchard by or before 05.08.2025.

Yours faithfully,

  
(Ghansham Singh)JKAS  
Member Secretary

24.7.25

**Copy to:**

1. Deputy Commissioner Budgam for favor of Information.
2. Regional Director, JKPC Kashmir for Information and necessary action.

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**Superintending Engineer,  
Public Works (Road and Buildings) Department,  
Budgam.**

**No.: JKPCC/Sc./OA-229/2025/827-829**

**Date: 07-08-2025**

**Sub: O.A No. 229/2025, titled "Ghulam Nabi Bhat V/s National Highway  
Authority of India & Ors."**

**Ref: i) JKPCC/Sc./OA-229/2025/586-588; dated:30.06.2025.**


**ii) JKPCC/Sc./OA-229/2025/691-693; dated:24.07.2025.**

Sir,

With reference to this office No. JKPCC/Sc./OA-229/2025/586-588; dated:30.06.2025 and JKPCC/Sc./OA-229/2025/691-693; dated:24.07.2025, you are again requested to share Action Taken w.r.t remedial measures taken and restoration action as also the compensation for the damage caused to the applicant's orchard by or before **15.08.2025**.

Further, a copy of the Report received from Chief Horticulture Officer, Budgam with details of extent of damage caused to the orchard is also enclosed here with for your reference.

Yours faithfully,

  
(Ghansham Singh)JKAS  
Member Secretary 7.8.25

**Copy to:**

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2. Regional Director, JKPCC Kashmir for Information and necessary action.

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**Superintending Engineer,  
Public Works (Road and Buildings) Department,  
Budgam.**

No.: JKPC/Sc./OA-229/2025/939-941

Date: 20-08-2025

**Sub: O.A No. 229/2025, titled "Ghulam Nabi Bhat V/s National Highway  
Authority of India & Ors."**

Ref: i) JKPC/Sc./OA-229/2025/586-588; dated:30.06.2025.


ii) JKPC/Sc./OA-229/2025/691-693; dated:24.07.2025.

iii) JKPC/Sc./OA-229/2025/827-829; dated:07.08.2025.

Sir,

With reference to this office No. JKPC/Sc./OA-229/2025/586-588; dated:30.06.2025, JKPC/Sc./OA-229/2025/691-693; dated:24.07.2025 and JKPC/Sc./OA-229/2025/827-829; dated:07.08.2025, you are again requested to share Action Taken w.r.t remedial measures taken and restoration action as also the compensation for the damage caused to the applicant's orchard by or before **25.08.2025** as case is listed for hearing on **15.09.2025**.

Yours faithfully,

  
(Ghansham Singh)JKAS  
Member Secretary

20.8.25

**Copy to:**

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**Superintending Engineer,  
Public Works (Road and Buildings) Department,  
Budgam.**

**No.: JKPCC/Sc./OA-229/2025/1668-1010**

**Date: 25-08-2025**

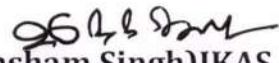
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Sir,

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dated:30.06.2025, JKPCC/Sc./OA-229/2025/691-693; dated:24.07.2025,  
JKPCC/Sc./OA-229/2025/827-829; dated:07.08.2025 and JKPCC/Sc./OA-  
229/2025/939-941; dated:20.08.2025., you are again requested to share Action  
Taken w.r.t remedial measures taken and restoration action as also the  
compensation for the damage caused to the applicant's orchard by or before  
**30.08.2025** as case is listed for hearing on **15.09.2025**.

Yours faithfully,

  
(Ghansham Singh)JKAS  
Member Secretary 25-8-25

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**Superintending Engineer,  
Public Works (Road and Buildings) Department,  
Budgam.**

**Most Urgent**

No.: JKPCC/Sc./OA-229/2025/1045

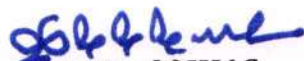
Date: 01-09-2025

**Sub: O.A No. 229/2025, titled "Ghulam Nabi Bhat V/s National Highway  
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Yours faithfully,

  
(Ghansham Singh)JKAS  
Member Secretary 1.9.25

**Copy to:**

1. Deputy Commissioner Budgam for favor of Information.
2. Regional Director, JKPCC Kashmir for Information and necessary action.

Amnecore-I  
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Amnecore-II



Government of Jammu & Kashmir  
J&K POLLUTION CONTROL COMMITTEE  
OFFICE OF THE REGIONAL DIRECTOR - KASHMIR

Sheikh-ul-Alam Campus, Rajbagh, Near Government Silk Factory, Srinagar-190008  
www.jkspcb.in Email: regionaldirectorjkmr@gmail.com, Tel/fax 0194-2311842

✓ The Member Secretary,  
JK Pollution Control Committee,  
Jammu.

No: PCC/RDK/LS (NGT)/2025/ 781-782.

Date:- 18-06-2025.


Subject: - O.A No. 229/2025 titled "Ghulam Nabi Bhat V/s National Authority of India & Ors."

Reference: - Your letter No. JKPC/Sc./OA-229/2025 dated 28-04-2025.

Sir,

In context with the subject and reference cited above, the latest factual status report vide No. JKPC/DO/BUD/2025/209 dated 17-06-2025 along with substantiative documents and site photographs as shared by the Divisional Officer, PCC, Budgam in the matter are enclosed herewith for kind perusal and further course of action required in the afore-titled OA please.

Encls: - 08 (Eight).

  
Regional Director,  
Kashmir  
18.06.2025

Copy to:-

1. Divisional Officer, PCC, Budgam for information. This takes reference to the report submitted vide No. JKPC/DO/BUD/2025/209 dated 17-06-2025.

S(UA) (A)

26 June  
24.6.25



# Government of Jammu & Kashmir

## District Office Pollution Control Committee, Budgam.

Regional Director  
Pollution Control Committee  
Kashmir.

No:-JKPCC/DO/BUD/2025/209

Dated 17-06-2025

Subject:- OA NO.229/2025 titled "Ghulam Nabi Bhat V/s National Authority of India & ors"

Ref:- JKPCC/Sc/OA- 229/2025

Dated 28.4.2025

Sir,

In reference to the subject captioned above. An onspot inspection of the proposed site at village Wathoora Batpora Tehsil Chadoora District Budgam was conducted on 14-06-2025 and the following observation were under:-

The construction of semi circular ring road at Batpora Wathoora (at spot with Geo coordinates Lat.33.964727 ,Long 74.811301 ) resulted in physical division of land and leading to the accumulation of the surface water by obstructing the natural flow of irrigation water that lead to persistent water logging on the orchards site of the complaint.

The common drainage point now from the complainants orchard was a cross drainage (Hume pipes laid previously by Roads & Buildings Deptt. across the Srinagar Wathoora Batpora Road that has now got blocked due to construction activity of semi ring road and as such resulting in the persistent water logging in the orchard. The same is self explanatory from the contents of the letter issued from the office of the National Highway Authority of India in a reply to the complainant issued from their office Vide NO" PD/SGR/14001/2014/Gen/1630 Dated. 14-02-2025.to the owner of the orchard and during the course of inspection same observations were witnessed on spot.

A letter has been sent to the Chief Horticulture Officer Budgam (copy enclosed) to assess the extent of damage to orchard.

The owner of the orchard was witnessed dewatering the accumulated water from the drain from the side of his orchard by means of dewatering pump at the time of inspection.

Report as such with photographic evidence is submitted.

Yours faithfully,

District Officer  
JKPCC, Budgam.

Encl( Chief Horticulture Office letter)  
(Photographs)  
(Inspection report)

# Government of Jammu & Kashmir

**District Office Pollution Control Committee, Budgam.**

Chief Horticulture officer

Budgam

No:-JKPCC/DO/BUD/2025/202-03

14-06-2025  
BUDGAM

Dated. 14-06-2025

Subject :- O.A.No.229-2025, titled, Ghulam Nabi Bhat V/s. UT of J.&K and Ors.

Sir,

With reference to the subject cited above, it is submitted that the petitioner has filled a grievance before the Hon,ble National Green Tribunal (N.G.T) availing that due to the construction of the Srinagar Ring Road passing through village Batpora Wathoora Tehsil Chadoora, District Budgam. water logging has occurred, damaging approximately 6.5 kannals of his orchard land, the petitioner claims that the water channel was blocked during construction activities, leading to accumulation of water and result in damage to the orchard.

In view of the above, your cooperation is solicited in verifying the claims as your office is the competent technical authority and custodian of relevant horticulture records, you are requested to inspect the site and report to this office on the following:-

Whether site damage has occurred, the area effect, and the extent and nature of the damage, if any, to the orchard land.

As the matter is of urgent nature and list before the Hon,ble Tribunal, you are kindly requested to treat the matter on priority and submitted your report at the earliest.

Encl; (2 part copy)

Yours faithfully,  
District officer  
JKPCC, Budgam.

Copy to:-

Regional Director, JKPCC Kmr for kind information.

## Inspection Report

Subject: Inspection in Reference to OA No. 229/2025 - Waterlogging and Agricultural Damage due to Construction of Srinagar Ring Road at Wathoora, Budgam

In compliance with the directions issued by the Hon'ble NGT and as per instructions received from the Regional Director, JKPC Kashmir and Divisional Officer Budgam, an inspection was conducted on 14/06/2025 at village Wathoora, Tehsil Chadoora, District Budgam.

During the inspection, water stagnation and clogging was observed at the site. The affected area was previously a continuous stretch of agricultural land used for horticulture and irrigation. Based on field verification and interaction with locals, the following observations were made:

Prior to the commencement of the Ring Road project, a functional underground pipeline existed beneath the Srinagar-Wathoora Road, facilitating natural water drainage. However, the said pipeline is no longer visible at the site.

During the construction of the underpass for the Ring Road, road diversion took place, resulting in the pipeline getting clogged by debris and construction materials. Also, reply from the National Highways Authority of India (NHAI) (vide No. PD/SGR/14001/2014/Gen/1630 dated 14/02/2025), has reported that the pipeline laid across the existing Wathoora and Batpora is now choked, due to which water is not passing across the road, leading to water stagnation.

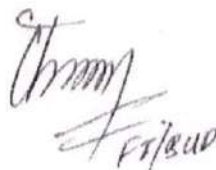
The physical division of land caused by the Ring Road has interrupted the natural flow of irrigation water, leading to persistent waterlogging on one side.

The executing agency (NKC Limited) has stated that restoration of the clogged pipeline would require clearance from the R&B Department.

A letter has been sent to the Chief Horticulture Officer, Budgam to assess the extent of damage to horticulture and the monetary loss incurred.

Residents have also reported increased dust pollution due to construction activity, contributing to further environmental stress in the area.

Photographic evidence of the site has been attached along with a copy of the letter to the Horticulture Department.

  
F/S/BUD

This report is submitted for further necessary action and compliance in the matter before the Hon'ble NGT.

- 

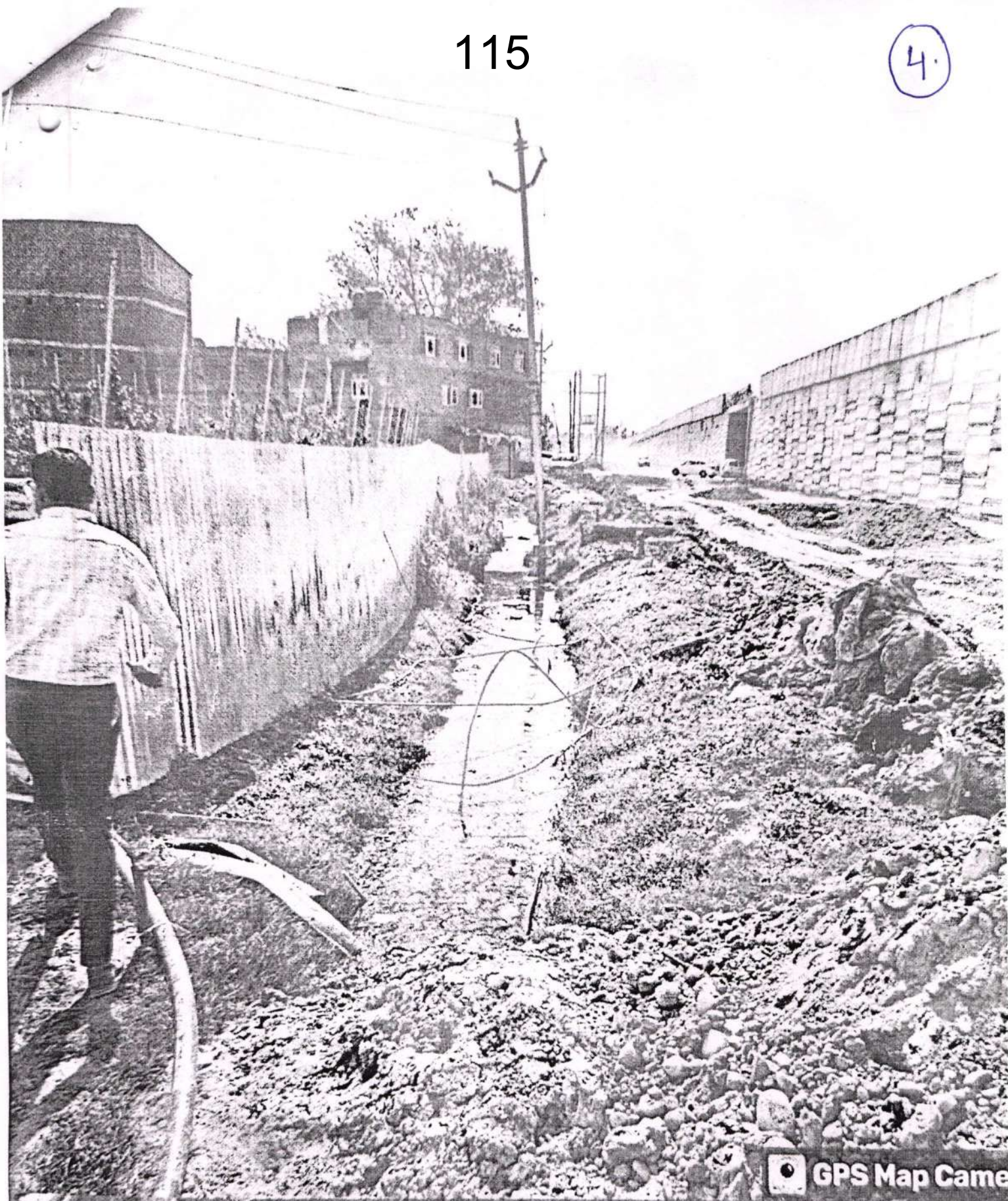
Enclosures:

- 1. Site Photographs
- 2. Communication to Chief Horticulture Officer, Budgam

*Thomson*  
FBI/BUD.

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GPS Map Came

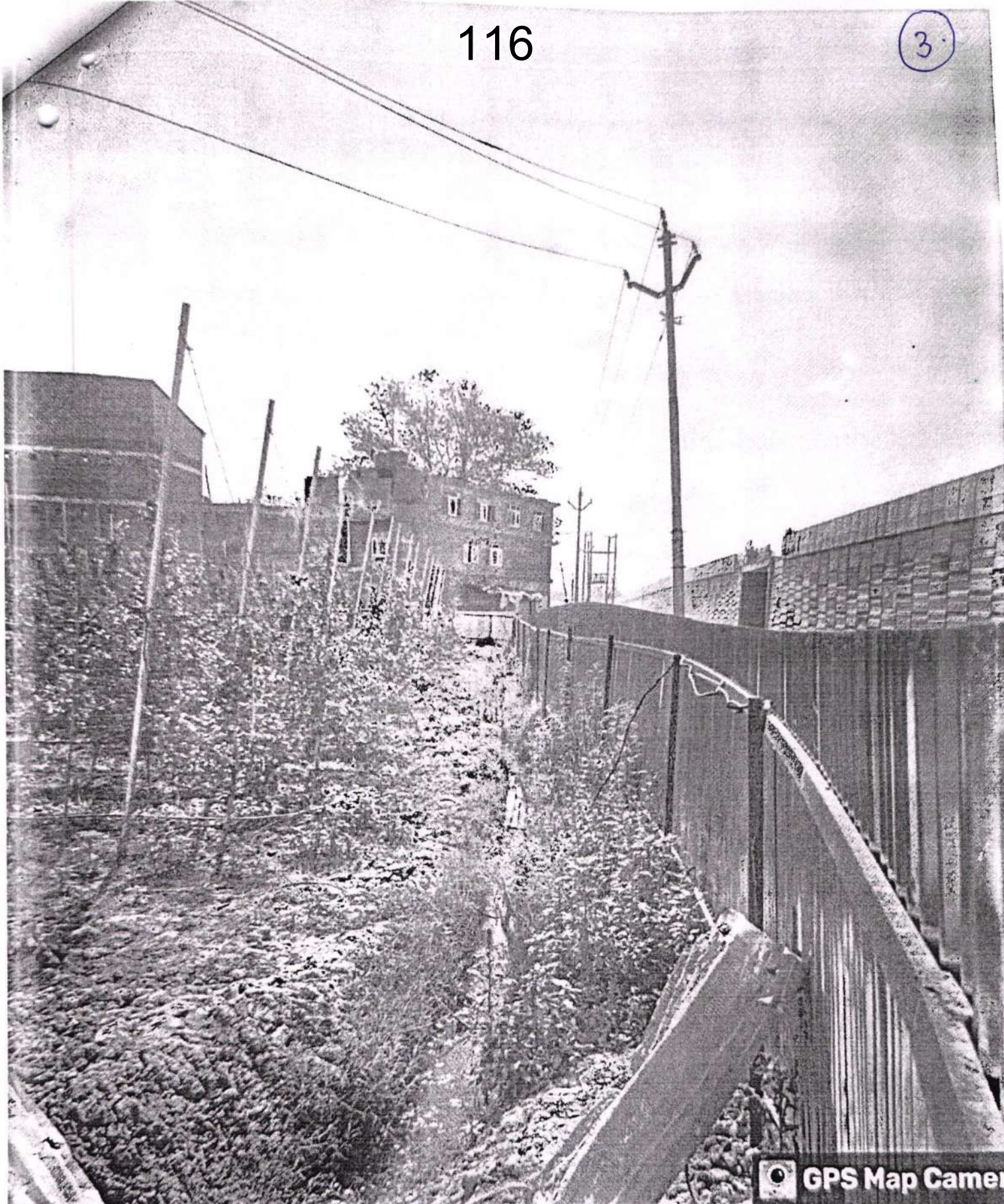
# Lal Gam

Xr76+m5, Lal Gam, 191113,  
Lat 33.964727° Long 74.811301°  
14/06/2025 03:29 PM GMT +05:30

Google

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GPS Map Camera

# Lal Gam

Xr76+m5, Lal Gam, 191113,  
Lat 33.964698° Long 74.811263°  
14/06/2025 03:30 PM GMT +05:30



Google

Google

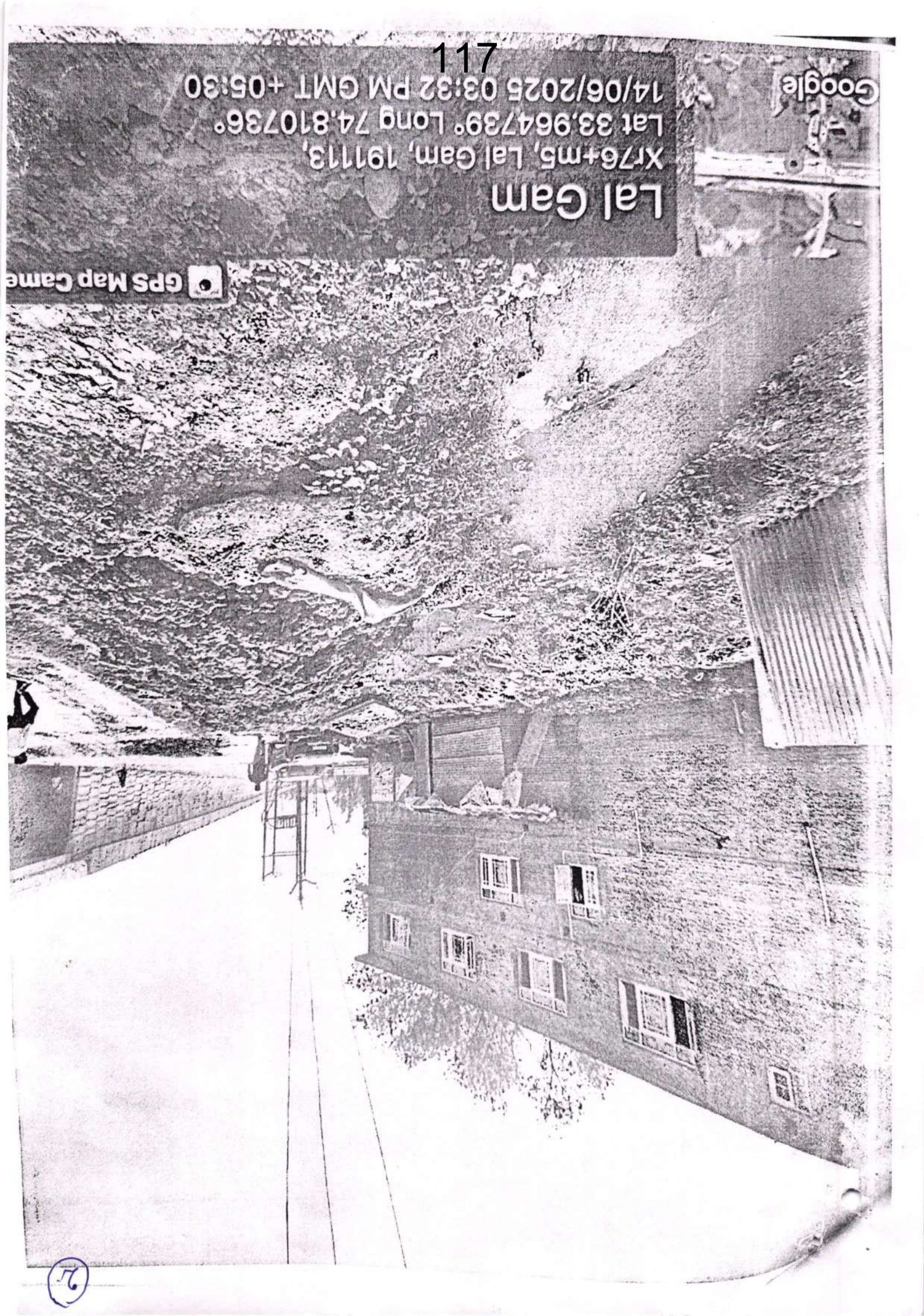
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14/06/2025 03:32 PM GMT +05:30  
Lat 33.964739° Long 74.810736°

# Lal Gam

X176+m5, Lal Gam, 191113,

GPS Map Camera



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भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
(सर्व सड़क परिवहन और राजमार्ग विभाग, भारत सरकार)  
National Highways Authority of India  
Ministry of Road Transport and Highways, Government of India

परियोजना कार्यान्वयन इकाई, श्रीनगर,  
C/o राशी अलनद पारै, जो एन एन के रोड, एयरपोर्ट रोड, पारै पोरा, श्रीनगर-190005 (जम्मू और कश्मीर)  
Project Implementation Unit, Srinagar,  
C/o Rashid Alnabd Parry, opposite Jee Ern Sons, Airport Road, Parry Pora, Srinagar-190005 (J&K)  
दूरभाष/फैक्स/टेली-फैक्स: 0194-2430725, मोबाइल: 9130000158, ईमेल/ईमेल: pui@nhai.org



No: PD/SGR/14001/2014/Gen/ 1630

Date: 14.02.2025

To,

Sh. Ghulam Nabi Bhat,  
R/o Batapora, Wathora,  
Chadoora.

**Sub.: Redressal of grievance of Sh. Ghulam Nabi Bhat, Chadoora.**

**Ref.:** Your grievance at PG portal with registration ID-MORTH/E/2025/0002093 dated 04.02.2025.

Sir,

Please refer to the above correspondence regarding redressal of grievance received online through Centralized PGRAMS portal.

2. In this regard, it is informed that inspection was carried out by our site team, the earthen drain has been cleared from Ch. 10+950 upto existing road of Wathora to Batpora (Photographs Attached). It has also been observed that the pipe laid across the existing road of Wathora and Batpora is chocked due to which water is not passing across the road. The laid pipeline is beyond our ROW.

3. Hence, it is requested to write to R&B Division, Chadoora to clear the pipes to facilitate free flow of drainage water.

4. This is for your information.

Ends: As above.

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17/2/25  
(Arif Mohammad Iqbal)  
Manager (T)  
For Project Director

10/100

GOVERNMENT OF JAMMU AND KASHMIR Annot 12  
OFFICE OF THE CHIEF HORTICULTURE OFFICER BUDGAM

119  
Tele/Fax: - 01951-255278; e-Mail:-horticulturechiefbudgam2016@gmail.com

The Member Secretary,  
Pollution Control Committee,  
Jammu and Kashmir.

No: - CHO/Bud/Dev/2025-26/2552-53 Dated: - 30/07/2025.  
Subject: - OA No. 229/2025, titled "Ghulam Nabi Bhat V/s National Highway Authority of India & Ors".  
Reference: - Your Office letter No. JKPCC/Sc/OA-229/2025/351 dated: - 08-05-2025.

Sir,


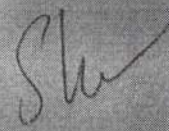
Kindly refer your office communication No. JKPCC/Sc/OA-229/2025/351 dated: - 08-05-2025 addressed to the Director Horticulture P&M, regarding furnishing the factual status report in respect of damages caused to the orchard forming subject matter of the case. The said communication has been received in this office from the Directorate of Horticulture, Kashmir with the instructions to provide the requisite information to your office.

In this context, it is to submit that regarding the instant matter this office vide letter No. Cho/Bud/Dev/2025-26/1478-80 dated 14-06-2025 constituted a committee of three Officers of the Department to ascertain the factual position in the case. The said committee in its report No. UO/DLSMS/Bud/Dev/2025-26/1815 dated: - 30-06-2025 (copy enclosed) has made the following observations on the basis of spot inspection conducted on 21.06.2025:

*"The said high density orchard was established during the year 2018 under the scheme PMDP and is spread over an area of 06 kanals.*

SC(A)(AW)

*The entire area where this orchard has been established is low-lying, however at the time of establishment of orchard complete drainage of the water was ensured by the Department to prevent any damage due to water stagnation. Accordingly, the said orchardist has developed the drainage channels and the threat of water stagnation was effectively addressed.*

149  
01/08/2025  
 

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The orchard exhibited normal growth and fruit production until 2023, when the drainage system was disrupted due to the construction of a road/flyover by the NHAI, located about 30 feet from the orchard

The filling and compaction associated with road construction led to blockage of the orchard's drainage channels, resulting in complete water stagnation in the orchard.

Prolonged stagnation of water led to the emergence of root-rot problem, affecting around 300 plants. The remaining plants are showing stunted growth and are at risk of further damage unless the drainage system is promptly reconstructed or improved.

Conclusion: it is evident that due to the construction of the road/flyover approximately 30ft from the orchard has blocked the drainage channels and compacted soil pores. This has resulted in severe water stagnation, which in turn has damaged the fruit plants in the orchard."

Further, as regards the extent of damages caused to the orchard, the said committee vide letter No. UO/DLSMS/Bud/Dev/2025-26/2550 dated:- 30-07-2025 (copy enclosed) has reported that the orchard in question is spread over an area of 6 kanals with 995 apple fruit plants of various strains viz. Gala, Red Delicious, Fuji, and Golden and 300 apple plants have completely dried or damaged, corresponding to 30% of the total plantation and out of the remaining 695 plants, the majority show yellowing of leaves and stunted growth due to water stagnation during precipitation, accounting for about 20-25% loss to the plants. ,

Hence, the desired information is submitted for further necessary action viz-a-viz filing of compliance report before the Hon'ble National Green Tribunal. This office may kindly be apprised about the proceedings of the case.

Yours Faithfully

*Shafiq*  
(Shafiq Khalid)

Chief Horticulture Officer  
Budgam.

*Encl-2 Deans*

Copy to the: -

Director Horticulture Kashmir for favour of information. This is in reference to communications dated 13.06.2025, 01.07.2025 and 09.07.2025.

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Government of Jammu & Kashmir  
**Office of the Chief Horticulture Officer Budgam**

Tele-Fax: - 01951-351648

E-Mail :- [horticulturechiefbudgam2016@gmail.com](mailto:horticulturechiefbudgam2016@gmail.com)

The Chief Horticulture Officer,  
Budgam

No: UO/DLSMS/Bud/Dev/2025-26/1015.

Dated: 30-06-2025.

Subject: Case titled Gh Nabi Bhat Vs National Highway Authority of India,  
pending before National Green Tribunal.

Committee Report

The committee constituted vide your office Letter no CHO/Bud/Dev/2025-26/1478-80 dated 16-06-2025, visited the spot in reference on 21-06-2025 and made the following observations: The said High Density orchard was established during the year 2018 under the scheme PMDP and is spread over an area of 06 kanals.

The entire area where this orchard has been established is low-lying, however at the time of establishment of orchard complete drainage of the water was ensured by the department to prevent any damage due to water stagnation. Accordingly, the said orchardist has developed the drainage channels and the threat of water stagnation was effectively addressed.

The orchard exhibited normal growth and fruit production until 2023, when the drainage system was disrupted due to the construction of a road/flyover by the NHAI, located about 30 feet from the orchard

The filling and compaction associated with road construction led to blockage of the orchard's drainage channels, resulting in complete water stagnation in the orchard.

Prolonged stagnation of water led to the emergence of root-rot problem, affecting around 300 plants. The remaining plants are showing stunted growth and are at risk of further damage unless the drainage system is promptly reconstructed or improved.

Conclusion:

It is evident that due to the construction of the road/flyover approximately 30ft from the orchard has blocked the drainage channels and compacted soil pores. This has resulted in severe water stagnation, which in turn has damaged the fruit plants in the orchard.

Hence, the report is submitted for favor of information and further necessary action at your end.

Committed members:

*(Signature)*  
Horticulture Development Officer  
Chadoora  
22/6/25

*(Signature)*  
District Horticulture Officer  
Budgam

*(Signature)*  
SMS (Agriculture)  
Budgam

**Subject:** Case Titled *Ghulam Nabi Bhat Vs National Highway Authority of India* Pending Before Hon'ble National Green Tribunal

**Reference :-** Your letter No. CHO/BUD/Dev/2025-26/2098-2100 dated 11-07-2025

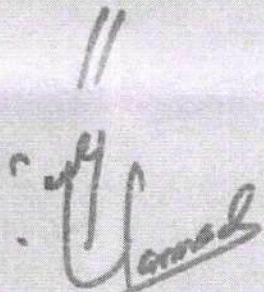
In continuation to the Committee Report already submitted, regarding the case titled- *Ghulam Nabi Bhat Vs National Highway Authority of India* pending before the Hon'ble National Green Tribunal, it is to submit the following:

The orchard in question is spread over an area of 6 kanals, comprising a total of 995 apple fruit plants of various strains viz. Gala, Red Delicious, Fuji, and Golden. Upon inspection, the damage extent observed is as under,

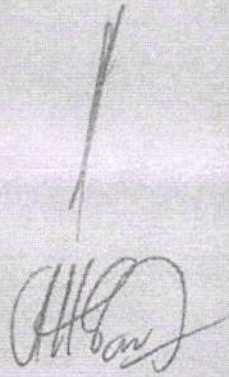
300 apple plants have completely dried or been damaged, which corresponds to 30% of total plants planted.

Out of remaining 695 plants, the majority show yellowing of leaves and stunted growth due to water stagnation during precipitation, accounting to about 20-25% loss to the plants.

Hence submitted for further



Horticulture Development  
Officer Chadoora



District Horticulture Officer  
Budgam



District Horticulture Officer  
Budgam

No. UD/OLSMS/bud/Dev/2025-26/2550.  
Dated:- 30-07-2025.



Government of Jammu and Kashmir  
J&K Pollution Control Committee  
Office of the Divisional Officer- Budgam

Regional Director Kashmir,  
J&K Pollution Control Committee  
Srinagar

No. PCC/DO/Bud/2025/331

Date: 09-09-2025

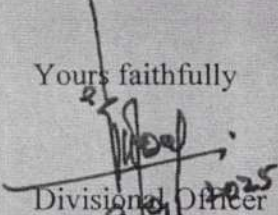
Subject: OA- 229/2025 titled "Ghulam Nabi Bhat vs National Highway Authority of India and Ors"

Reference: JKPC/SC/OA-229/2025 Dated 28-04-2025

Sir,

With reference to the subject and the reference cited above, kindly find attached herewith the inspection report.

Yours faithfully

  
Divisional Officer  
Budgam

Inspection Report

Subject: OA No. 229/2025 titled "Ghulam Nabi Bhat vs National Highway Authority of India and Ors"

The report from the Chief Horticulture Officer from Horticulture Department Budgam, revealed that about 300 plants, nearly one-third of the plantation, had completely dried up and have been damaged beyond recovery while the remaining plants were showing stunted growth and yellowing of leaves due to water stagnation, a fresh inspection was conducted on 08-09-2025 of the subject captioned orchard at village Wathoora, Tehsil Chadoora, District Budgam. During the course of inspection, it was physically verified that out of 1000 (approx) High Density apple plants nearly one-third (300) high density apple plants were completely dried/damaged and the remaining are showing signs of stress, stunted growth and yellowing of leaves as described by the subject matter experts of the Horticulture Department. The inspection clearly establishes that the construction of the Srinagar Ring Road at Wathoora, without restoration of the natural drainage system and without laying of a proper cross-drainage pipeline by the R&B Department, has resulted in severe water-logging and consequent damage to Apple orchard.

Geo-tagged photos are attached. Hence submitted for further necessary action.

Muneeb  
MUNEEB (JEE)

9/9/2025

M. A. Khanday  
D.O. Budgam.

## Inspection Report

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**Subject:** Inspection in Reference to OA No. 229/2025 - Waterlogging and Agricultural Damage due to Construction of Srinagar Ring Road at Wathoora, Budgam

In compliance with the directions issued by the Hon'ble NGT and as per instructions received from the Regional Director, JKPCC Kashmir and Divisional Officer Budgam, an inspection was conducted on 14/06/2025 at village Wathoora, Tehsil Chadoora, District Budgam.

During the inspection, water stagnation and clogging was observed at the site. The affected area was previously a continuous stretch of agricultural land used for horticulture and irrigation. Based on field verification and interaction with locals, the following observations were made:

Prior to the commencement of the Ring Road project, a functional underground pipeline existed beneath the Srinagar-Wathoora Road, facilitating natural water drainage. However, the said pipeline is no longer visible at the site.

During the construction of the underpass for the Ring Road, road diversion took place, resulting in the pipeline getting clogged by debris and construction materials. Also, reply from the National Highways Authority of India (NHAI) (vide No. PD/SGR/14001/2014/Gen/1630 dated 14/02/2025), has reported that the pipeline laid across the existing Wathoora and Batpora is now choked, due to which water is not passing across the road, leading to water stagnation.

The physical division of land caused by the Ring Road has interrupted the natural flow of irrigation water, leading to persistent waterlogging on one side.

The executing agency (NKC Limited) has stated that restoration of the clogged pipeline would require clearance from the R&B Department.

A letter has been sent to the Chief Horticulture Officer, Budgam to assess the extent of damage to horticulture and the monetary loss incurred.

Residents have also reported increased dust pollution due to construction activity, contributing to further environmental stress in the area.

Photographic evidence of the site has been attached along with a copy of the letter to the Horticulture Department.

*[Handwritten Signature]*  
FS/BUD

This report is submitted for further necessary action and compliance in the matter before the Hon'ble NGT.

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Enclosures:

- 1. Site Photographs
- 2. Communication to Chief Horticulture Officer, Budgam

*Chinn*  
F2/BUD