

1086

IN THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW  
EXECUTION APPLICATION NO. 29 OF 2018  
ORIGINAL APPLICATION NO. 386 OF 2016

IN THE MATTER OF:

Society for Protection of Culture, Heritage,  
Environment, Traditions and Promotion  
Of National Awareness

.....Applicant

Versus

National Highway Authority of India & Ors

.....Respondents

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N.D.O.H. 20/4/20

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Dated: 26.02.2020

filed by :-

10. Proof of Service

NATIONAL GREEN TRIBUNAL  
Principal Bench, New Delhi  
Filing Section  
Dairy No. 401/20  
27 FEB 2020  
Fee..... IPO/DD/ONLINE  
Signature of Receiving Officer

Mukul Singh

Advocate for the MOEFNCC

W-139, Greater KAILASH-1, NEW DELHI 110048 Email-  
mukul Singhadv@gmail.com

1087

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COMPLIANCE AFFIDAVIT FILED ON BEHALF OF  
RESPONDENT NO. 9, MINISTRY OF ENVIRONMENT, FOREST &  
CLIMATE CHANGE, DELHI

I, Brijendra Swaroop S/o M.P. Srivastava working as Deputy Inspector  
General of Forests at Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road,  
New Delhi - 110003, do hereby solemnly affirm and state as follows:-

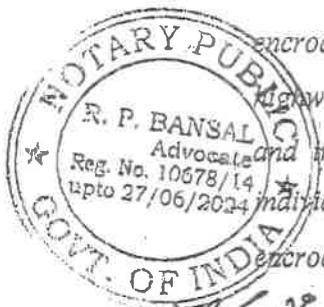
1. That, I am fully aware of the facts and circumstances of the case from the relevant records available in this office. I further state that the present affidavit is being filed after perusing the office records, which to my knowledge are true and correct, and I am authorized to file this compliance affidavit on behalf of the Respondent No. 9.

*[Handwritten Signature]*  
24.02.2020

2. That the Hon'ble Tribunal vide order dated 21.05.2019 *inter-alia* directed "We direct the Secretary MoEF&CC in collaboration with Secretary MoRTH to evolve an effective monitoring mechanism at national level with the



object of ensuring maintenance of Green Belts on both sides of all Highways upto specified distance, there is no construction upto specified distance, there is no direct access to the Highway, there is no encroachment and buildings on roadsides are regulated in terms of environmental norms so that no air/water pollution or encroachment of Highway is caused. For this purpose, MoEF&CC may collect the requisite data in respect of National Highways from NHAI and in respect of State Highways from respective States and UTs. The data by the State may be compiled by the Chief Secretaries of States/UTs in coordination with their respective Environment, Forests and Public Works Departments. We suggest that data should be compiled with reference to the following: i) Extent of encroachment and action plan for its removal. ii) Provisions for leaving space up to a particular distance from the road for expansion and for plantation. iii) Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation. iv) Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings. v) Extent of plantation carried out. vi) Highway where no space is left for ensuring green belt on the sides. vii) Highway projects on PPP model where green plantation cannot be done according to NHAI. The monitoring mechanism may deal with the issue in following parts: i) Future policy with regard to Highways to be constructed henceforth; ii) Policy with regard to Highways already constructed or in progress where space is available; iii) Policy with regard to Highways where constructions have already been made with regard to division in nature of construction and legality thereof. The MoEF&CC may file an affidavit within two months. 27. Member (Administration), NHAI may file further affidavit about the extent of encroachment on National Highway, action plan for removal of such encroachment, extent of plantations, extent of access directly allowed from highways to buildings, requirement of distance from highways for construction and indicating the status of preparation and execution of action plans by individual teams to ensure green work development and status of removal of encroachment by Task Force constructed by NHIDCL."



*R. P. Bansal*  
24.02.2020

3. That in compliance of the aforesaid directions of the Hon'ble Tribunal, this Ministry convened a meeting on 30.08.2019 under the Chairmanship of Director General of Forests & Special Secretary, MoEF and CC.

4. That after detailed deliberation, the following decision was taken:

I. *The Ministry of Road, Transport and Highways (MoRTH) will be the Nodal agency to monitor the compliance as directed by the Hon'ble Tribunal. MoRTH will designate a Nodal officer not below the Rank of Joint Secretary who will collect and compile the data as per the order of the Hon'ble Tribunal as mentioned in Para(1) above. Data shall be reviewed by the MoRTH on half yearly basis.*

II. *NHAI raises plantation/green belts along the sides of National Highways, similarly State Governments/UTs raise green belts along the roads, therefore NHAI and State Government shall raise gap plantation/green belts along both sides of Highways/roads as per the direction of the Hon'ble NGT and the data be submitted to MoRTH for the purpose of monitoring and reviewing, NHAI and State/UTs Government shall along the National/State Highways as per their control. The affidavit of compliance will be submitted by NHAI under intimation to this Ministry in the Hon'ble Tribunal before the next date of hearing.*

*Handwritten signature and date: 24.02.2023*

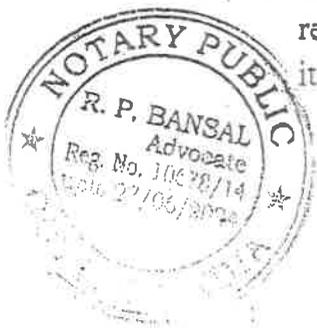
III. *The Ministry of Environment, Forest and Climate Change shall intimate the direction of the Hon'ble Tribunal to all State Governments/UTs including NHAI and MoRTH. The regional Office Headquarter (ROHQ) of this Ministry shall coordinate with their Regional Offices located at Bangalore, Bhopal, Bhubhaneswar, Chennai, Chandigarh, Dehradun, Lucknow, Nagpur, Ranchi and Shillong to monitor and evaluate forestry activities/plantation alongside highways as carried out by NHAI/State Highways in consultation with concern State Forest Department.*

**Copy of the Minutes of the meeting are annexed as Annexure R1.**



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5. That the Ministry vide letter dated 09.10.2019 issued directions to NHAI, MoRTH and all State Government/Union Territories for compliance of the Hon'ble NGT order. Copy of letter dated 09.10.2019 to NHAI, MoRTH and all State Government/Union Territories are annexed as R2, R3 and R4 respectively.
6. That this Ministry vide letter dated 24.01.2020 sent a reminder letter to the MoRTH and the State/UT Governments to ensure compliance of the order of the Hon'ble National Green Tribunal and decisions taken in the meeting dated 30.08.2019. Copy of the letter dated 24.01.2020 to the MoRTH and the State & UT Governments are annexed as Annexure R5 and R6.
7. That Govt. of Tripura, vide letter dated 16.11.2019 submitted its report on road side beautification and plantation under Roadside Beautification and Plantation in Tripura Scheme done by State Forest Department. Copy of the letter dated 16.11.2019 is annexed as R7.
8. That the Govt. of Andaman and Nicobar vide letter dated 28.01.2020 submitted compliance report to MoRTH. Copy of the letter dated 28.01.2020 is annexed as R8.
9. That NHAI, MoRTH and all states and union territories other than State of Tripura and UT of Andaman and Nicobar have not submitted their report till date.
10. That this Ministry reserves its right to file additional affidavit as and when required till pende-lite.
11. That in light of the aforementioned facts and circumstances it is respectfully prayed that this Hon'ble Tribunal may pass any order as it deem fit.



*Brijendra Swaroop*  
24.02.2020

DEPONENT

बृजेन्द्र स्वरोप/BRIJENDRA SWAROOP  
उप मुख्य कार्यकारी  
Dy. Chief Executive Officer  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
M/o Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

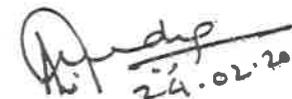
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**VERIFICATION:**

I, the above named Deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

Verified at Delhi on this 24th Day of Feb, 2020.

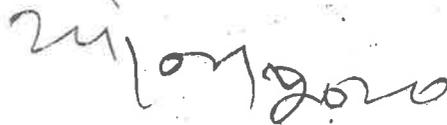
  
IDENTIFIED BY

  
24.02.2020  
**DEPONENT**  
बृजेन्द्र स्वरूप/BRIJENDRA SWAROOP  
उप मुख्य कार्यकारी  
Dy. Chief Executive Officer  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

  
ATTESTED

Notary Public, Delhi  
(As Presented)





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**Minutes of the meeting held on 30.08.19 under the Chairmanship of Director General of Forest & Special Secretary, MoEF&CC. in Krishna Conference Hall, 4<sup>th</sup> Floor, Jal Wing, Indira Pariyavaran Bhawan, Jorbagh Road, New Delhi.**

In pursuance of the following direction of Hon'ble National Green Tribunal, Principal Bench Delhi vide order dated 21.05.2019 in Execution Application No. 29/2018 in OA No. 386/2018 in the matter Society for Protection of Culture Heritage, Environment, Traditions and Promotion of National Awareness vs NHAI & Ors., a meeting was held on 30.08.2019 under the Chairmanship of Director General of Forest & Special Secretary, MoEF&CC in Krishna Conference Hall, 4<sup>th</sup> Floor, Jal Wing, Indira Pariyavaran Bhawan, Jorbagh Road, New Delhi:

*"We direct the Secretary MoEF&CC in collaboration with Secretary MoRTH to evolve an effective monitoring mechanism at national level with the object of ensuring maintenance of Green Belts on both sides of all Highways upto specified distance, there is no construction upto specified distance, there is no direct access to the Highway, there is no encroachment and buildings on roadsides are regulated in terms of environmental norms so that no air/water pollution or encroachment of Highway is caused. For this purpose, MoEF&CC may collect the requisite data in respect of National Highways from NHAI and in respect of State Highways from respective States and UTs. The data by the State may be compiled by the Chief Secretaries of States/UTs in coordination with their respective Environment, Forests and Public Works Departments.*

*We suggest that data should be compiled with reference to the following:*

- i) *Extent of encroachment and action plan for its removal.*
- ii) *Provisions for leaving space up to a particular distance from the road for expansion and for plantation.*
- iii) *Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.*
- iv) *Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.*
- v) *Extent of plantation carried out.*
- vi) *Highway where no space is left for ensuring green belt on the sides.*

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- vii) *Highway projects on PPP model where green plantation cannot be done according to NHAI.*

*The monitoring mechanism may deal with the issue in following parts:*

- i) *Future policy with regard to Highways to be constructed henceforth;*
- ii) *Policy with regard to Highways already constructed or in progress where space is available;*
- iii) *Policy with regard to Highways where constructions have already been made with regard to division in nature of construction and legality thereof.*

2. The following officials were present:

**a) Ministry of Environment, Forest and Climate Change**

- i. Siddhanta Das, DGF&SS
- ii. Saibal Dasgupta, ADGF(FC)
- iii. A.K. Mohanty, IGF(FC)
- iv. Naresh Kumar, DIGF(FC)
- v. Shrawan K. Verma, DIGF(FC)
- vi. Ashish Kumar, JD(IA)
- vii. Rajesh Kumar, TO(FC)

**b) National Highway Authority of India**

- i. V.K. Sharma, Chief General Manager, NHAI
- ii. B. Mukhopadhyay, General Manager, NHAI

3. No Official from Ministry of Road, Transport and Highways attended the meeting.

4. At the outset a brief note was made by DIGF(NK) on background informing the facts related to the direction for compliance of the order of the Hon'ble NGT as mentioned in para (1) above.

After detailed deliberation in the meeting, the following road map was finalized:

- I. The Ministry of Road, Transport and Highways(MoRTH) will be the Nodal agency to monitor the compliance as directed by the Hon'ble Tribunal. MoRTH will designate a Nodal officer not below the Rank of Joint Secretary who will collect and compile the data as per the order of the Hon'ble Tribunal as mentioned in Para(1) above. Data shall

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be reviewed by the MoRTH on half yearly basis (**Action by Ministry of Road, Transport and Highways**).

- II. NHAI raises plantation/green belts along the sides of National Highways, similarly State Governments/UTs raise green belts along the roads, therefore NHAI and State Government shall raise gap plantation/green belts along both sides of Highways/roads as per the direction of the Hon'ble NGT and the data be submitted to MoRTH for the purpose of monitoring and reviewing. NHAI and State/UTs Government shall prepare/review guidelines to raise plantation as well as to remove the encroachments along the National/State Highways as per their control.

The affidavit of compliance will be submitted by NHAI under intimation to this Ministry in the Hon'ble Tribunal before the next date of hearing (Action by NHAI and State Governments/UTs).

- III. The Ministry of Environment, Forest and Climate Change shall intimate the direction of the Hon'ble Tribunal to all State Governments/UTs including NHAI and MoRTH. The Regional Office Headquarter(ROHQ) of this Ministry shall coordinate with their Regional Offices located at Bangalore, Bhopal, Bhubaneswar, Chennai, Chandigarh, Dehradun, Lucknow, Nagpur, Ranchi and Shillong to monitor and evaluate forestry activities/plantation alongside highways as carried out by NHAI/State Highways in consultation with concern State Forest Department. (**Action by MOEF&CC**)

The meeting ended with thanks to the Chair.

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F. No. 7-92/2016-FC  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)

Indira Paryaravan Bhawan,  
Aliganj, Jorbhagh Road,  
New Delhi - 110003

Dated: 4<sup>th</sup> October, 2019

To

The Chairman,  
National Highways Authority of India,  
G5&6, Sector 10, Dwarka, New Delhi - 110075

**Sub: Compliance of directions of Hon'ble NGT, New Delhi in Execution Application No. 29/2018 in OA No. 386/2018 in the matter Society for Protection of Culture Heritage, Environment, Traditions and Promotion of National Awareness vs NHAI & Ors..**

Sir,

I am directed to invite your kind attention on the following direction of Hon'ble National Green Tribunal, Principal Bench Delhi vide order dated 21.05.2019 in Execution Application No. 29/2018 in OA No. 386/2018 in the matter Society for Protection of Culture Heritage, Environment, Traditions and Promotion of National Awareness vs NHAI & Ors.:

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We suggest that data should be compiled with reference to the following:

- i) Extent of encroachment and action plan for its removal.
- ii) Provisions for leaving space up to a particular distance from the road for expansion and for plantation.
- iii) Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.
- iv) Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.
- v) Extent of plantation carried out.
- vi) Highway where no space is left for ensuring green belt on the sides.
- vii) Highway projects on PPP model where green plantation cannot be done according to NHAI.

*[Signature]*  
09/10/2019

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The monitoring mechanism may deal with the issue in following parts:

- i) Future policy with regard to Highways to be constructed henceforth;
- ii) Policy with regard to Highways already constructed or in progress where space is available;
- iii) Policy with regard to Highways where constructions have already been made with regard to division in nature of construction and legality thereof.

2. A copy of the Hon'ble NGT order dated 21.05.2019 is enclosed at **Annexure-1**.
3. In pursuance to the above directions of the Hon'ble Tribunal, a meeting was held on 30.08.2019 under the Chairmanship of Director General of Forest & Special Secretary, MoEF&CC, New Delhi. A copy of the minutes of the said meeting is enclosed at **Annexure-2**.

In view of the direction of the Hon'ble NGT, it is requested that Ministry of Road, Transport and Highways(MoRTH) shall be the Nodal agency to monitor the compliance as directed by the Hon'ble Tribunal. MoRTH will designate a Nodal officer not below the Rank of Joint Secretary who will collect and compile the data as per the order of the Hon'ble Tribunal as mentioned in Para(1) above. Data shall be reviewed by the MoRTH on half yearly basis.

This issue with the approval of the Competent Authority.

Encl as above

Yours faithfully,

(Sharwan Kumar Verma)  
Dy. Inspector General of Forest

**Copy to:**

1. Secretary, Government of India; Ministry of Road, Transport and Highways, New Delhi.
2. Jt. Secretary(Highways), Ministry of Road, Transport and Highways, New Delhi.
3. Member(Administration/Project), National Highway Authority of India, New Delhi.
4. Chief General Manager, National Highway Authority of India, New Delhi.
5. Principal Chief Conservator of Forests, All States/UTs.
6. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEF&CC).
7. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, New Delhi.
8. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
9. Sr. PPS to the Secretary for Environment, Forests and Climate Change, New Delhi:
10. Sr. PPS to the Director General of Forests & Special Secretary, MoEF&CC, Gol.
11. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF&CC, Gol.
12. PS to the Inspector General of Forests (Forest Conservation), MoEF&CC, Gol.
13. Guard File.

at C

11/10/19

*[Handwritten signature]*

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F. No. 7-92/2016-FC  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)

Indira Paryaravan Bhawan,  
Aliganj, Jorbhagh Road,  
New Delhi – 110003

Dated: <sup>14</sup>9 October, 2019

To

The Secretary,  
Ministry of Road, Transport and Highways,  
New Delhi

**Sub: Compliance of directions of Hon'ble NGT, New Delhi in Execution Application No. 29/2018 in OA No. 386/2018 in the matter Society for Protection of Culture Heritage, Environment, Traditions and Promotion of National Awareness vs NHAI & Ors..**

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3. In pursuance to the above directions of the Hon'ble Tribunal, a meeting was held on 30.08.2019 under the Chairmanship of Director General of Forest & Special Secretary, MoEF&CC, New Delhi. A copy of the minutes of the said meeting is enclosed at **Annexure-2**.

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This issue with the approval of the Competent Authority

Encl. as above

Yours faithfully,

(Sharwan Kumar Verma)  
Dy. Inspector General of Forest

Copy to:

1. Jt. Secretary(Highways), Ministry of Road, Transport and Highways, New Delhi.
2. Member(Administration/Project), National Highway Authority of India, New Delhi.
3. Chief General Manager, National Highway Authority of India, New Delhi.
4. Principal Chief Conservator of Forests, All States/UTs.
5. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEF&CC).
6. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, New Delhi.
7. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
8. Sr. PPS to the Secretary for Environment, Forests and Climate Change, New Delhi.
9. Sr. PPS to the Director General of Forests & Special Secretary, MoEF&CC, GoI.
10. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF&CC, Gol.
11. PS to the Inspector General of Forests (Forest Conservation), MoEF&CC, Gol.
12. Guard File.

o/c  
1/11/2019  
1-2

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F. No. 7-92/2016-FC  
 Government of India  
 Ministry of Environment, Forests and Climate Change  
 (Forest Conservation Division)

Indira Paryaravan Bhawan,  
 Aliganj, Jorbhagh Road,  
 New Delhi - 110003

Dated: 9<sup>th</sup> October, 2019

To  
 The Chief Secretary  
 All States/Union Territory Governments

Sub: **Compliance of directions of Hon'ble NGT, New Delhi in Execution Application No. 29/2018 in OA No. 386/2018 in the matter Society for Protection of Culture Heritage, Environment, Traditions and Promotion of National Awareness vs NHAI & Ors..**

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- v) *Extent of plantation carried out.*
- vi) *Highway where no space is left for ensuring green belt on the sides.*
- vii) *Highway projects on PPP model where green plantation cannot be done according to NHAI.*

*The monitoring mechanism may deal with the issue in following parts.*

*Annexure*  
 09/10/2019

*[Signature]*  
 T.C.

Annex R5

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255477/2020/FC

File No.7-92/2016

**MOST URGENT  
REMINDER**

Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan,  
Jorbagh Road, Aliganj  
New Delhi-110003  
Dated: 24<sup>th</sup> January, 2020

To,

The Secretary,  
Ministry of Road, Transport and Highways,  
New Delhi.

**Sub: Compliance of directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi in Execution Petition No. 29/2018 in OA No. 386/2016 in the matter Society for Protection of Culture Heritage, Environment, Traditions and Promotion of National Awareness Vs NHAI and Ors.-reg.**

Ref: This Ministry's letter dated 09.10.2019.

Sir,

I am directed to invite your kind attention on the following direction of Hon'ble National Green Tribunal, Principal Bench Delhi vide order dated 21.05.2019 in Execution Application No. 29/2018 in OA No. 386/2016 in the matter Society for Protection of Culture Heritage, Environment, Traditions and Promotion of National Awareness vs NHAI & Ors.

"...We direct the Secretary MoEF&CC in collaboration with Secretary MoRTH to evolve an effective monitoring mechanism at national level with the object of ensuring maintenance of Green Belts on both sides of all Highways upto specified distance, there is no construction upto specified distance, there is no direct access to the Highway, there is no encroachment and buildings on roadsides are regulated in terms of environmental norms so that no air/water pollution or encroachment of Highway is caused. For this purpose, MoEF&CC may collect the requisite data in respect of National Highways from NHAI and in respect of State Highways from respective States and UTs. The data by the State may be compiled by the Chief Secretaries of States/UTs in coordination with their respective Environment, Forests and Public Works Departments.  
We suggest that data should be compiled with reference to the following:

- i. Extent of encroachment and action plan for its removal.
- ii. Provisions for leaving space up to a particular distance from the road for expansion and for plantation.
- iii. Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.
- iv. Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.

  
24.01.2020

255477/2020/FC

- v. *Extent of plantation carried out.*  
vi. *Highway where no space is left for ensuring green belt on the sides.*  
vii. *Highway projects on PPP model where green plantation cannot be done according to NHAI.*

*The monitoring mechanism may deal with the issue in following parts:*

- i. *Future policy with regard to Highways to be constructed henceforth;*
- ii. *Policy with regard to Highways already constructed or in progress where space is available;*
- iii. *Policy with regard to Highways where constructions have already been made with regard to division in nature of construction and legality thereof....."*

2. A copy of the order of Hon'ble NGT dated 21.05.2019 is enclosed as Annexure I.

3. In pursuance to the above directions of the Hon'ble Tribunal, a meeting was held on 30.08.2019 under the Chairmanship of Director General of Forest and Special Secretary, MoEF&CC, the decision of which was conveyed to the MoRTH vide letter dated 09.10.2019. Copy of the letter dated 09.10.2019 is enclosed as Annexure II.

In view of above, it is requested to ensure compliance of the directions of the Hon'ble Tribunal and send the compliance report to this Ministry at the earliest.

This issue with the approval of the Competent Authority.

Yours faithfully,

  
24.01.2020

**Brijendra Swaroop**  
Dy. Inspector General of Forests

Copy to:-

1. Guard file.



Amr 26

1102

255477/2020/FC

File No.7-92/2016

**MOST URGENT  
REMINDER**

Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan,  
Jorbagh Road, Aliganj  
New Delhi-110003  
Dated: 24<sup>th</sup> January, 2020

To,

The Chief Secretary,  
All States/UT Governments(except Government of Tripura)

**Sub: Compliance of directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi in Execution Petition No. 29/2018 in OA No. 386/2018 in the matter Society for Protection of Culture Heritage, Environment, Traditions and Promotion of National Awareness Vs NHAI and Ors.-reg.**

Ref: This Ministry's letter dated 09.10.2019.

Sir,

I am directed to invite your kind attention on the following direction of Hon'ble National Green Tribunal, Principal Bench Delhi vide order dated 21.05.2019 in Execution Application No. 29/2018 in OA No. 386/2018 in the matter Society for Protection of Culture Heritage, Environment, Traditions and Promotion of National Awareness vs NHAI & Ors. ".....We direct the Secretary MoEF&CC in collaboration with Secretary MoRTH to evolve an effective monitoring mechanism at national level with the object of ensuring maintenance of Green Belts on both sides of all Highways upto specified distance, there is no construction upto specified distance, there is no direct access to the Highway, there is no encroachment and buildings on roadsides are regulated in terms of environmental norms so that no air/water pollution or encroachment of Highway is caused. For this purpose, MoEF&CC may collect the requisite data in respect of National Highways from NHAI and in respect of State Highways from respective States and UTs. The data by the State may be compiled by the Chief Secretaries of States/UTs in coordination with their respective Environment, Forests and Public Works Departments. We suggest that data should be compiled with reference to the following:

- i. Extent of encroachment and action plan for its removal.
- ii. Provisions for leaving space up to a particular distance from the road for expansion and for plantation.
- iii. Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.
- iv. Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.
- v. Extent of plantation carried out.

  
24.01.2020

255477/2020/FC

- vi. Highway where no space is left for ensuring green belt on the sides.  
vii. Highway projects on PPP model where green plantation cannot be done according to NHAI.

The monitoring mechanism may deal with the issue in following parts:

- i. Future policy with regard to Highways to be constructed henceforth;
- ii. Policy with regard to Highways already constructed or in progress where space is available;
- iii. Policy with regard to Highways where constructions have already been made with regard to division in nature of construction and legality thereof.....”

2. A copy of the order of Hon'ble NGT dated 21.05.2019 is enclosed as Annexure I.

3. In pursuance to the above directions of the Hon'ble Tribunal, a meeting was held on 30.08.2019 under the Chairmanship of Director General of Forest and Special Secretary, MoEF&CC, the decision of which was conveyed to the State Government/Union Territory vide letter dated 09.10.2019. Copy of the letter dated 09.10.2019 is enclosed as Annexure II.

In view of above, it is requested to ensure compliance of the directions of the Hon'ble Tribunal and send the compliance report to this Ministry at the earliest.

This issue with the approval of the Competent Authority

Yours faithfully,

  
24.01.2020  
**Brijendra Swaroop**  
Dy. Inspector General of Forests

Copy to:-

Guard file

  
T.C.

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No.F.19 (974)/Legal/HQ/For-19/ 833-40  
Government of Tripura  
Office of the Principal Chief Conservator of Forests  
Tripura, Agartala

21.16.11.2019

O/o Addl. Director General  
Dy. No. 246/18  
Date 05/12/19

O/o IGF (FC)  
Dy. No. 246/18  
Date 6.12.19

To:  
The Director General of Forest & Special Secretary  
Ministry of Environment, Forests and Climate Change  
( Forest Conservation Division)  
Indira Pariyabaran Bhavan  
Aliganj Jorbhagh Road  
New Delhi-110003

Subject : Compliance of directions of Hon'ble NGT, New Delhi in execution Application No. 29/2018 in of OA No. 386/2018 in the matter society for protection of culture heritage, environment, traditions and promotion of national awareness Vs. NHAI & others.

Reference. Communication Vide. No.F.No.7-92/2016-FC dated 9/10/2019 of MoEF & CC

Sir,

I am directed to enclose herewith the report regarding road side beautification and plantation under RBPT Scheme done by the State Forest Department as a part of compliance on the directives passed by the Hon'ble NGT for your kind information.

Yours faithfully,

[Harshakumar.C]  
Deputy Conservator of Forests  
Headquarters

Encl : as stated .

4/12/19  
ADGF (FC) - 05

Copy to :

1. The Secretary, Govt. of India, Ministry of Road, Transport and Highways, New Delhi for kind information
2. The Joint Secretary(Highways), Ministry of Road, Transport and Highways, New Delhi for kind information
3. The Chief General Manager, National Highway Authority of India, New Delhi for kind information.
4. The PPS to the Chief Secretary, Govt. of Tripura for kind information of the Chief Secretary, Govt. of Tripura for kind information.
5. PS to the Add. Chief Secretary, Forests for kind information of the ACS Forests.
6. PS to the PCCF(T) & HoFF for kind information of the PCCF(T) & HoFF.
7. The CCF (Legal) for kind information.

15/11/19  
Deputy Conservator of Forests  
Headquarters

O/o DGF & SS  
Dy. No. 246/18  
Date 4/12/19

DIG (ROHC)  
Dy. No. 246/18  
Date 05/12/19

19A/FC)  
DIG (SK)

06/12/2019

se-cc (SK)

CALLA)

06/12/19

Roadside Beautification and Plantation in Tripura				
District	Total stretch of NH (in km)	Plantation done during 2019-20 (in km)	Plantation done during 2018-19 (in km)	Remarks
West	6.7	6.7+9	0	
Sepahijala	22	8	6	Municipal area - 3.5 km Non plantable - 4.5 km
Gumati	27	16	0	Municipal area - 4 km Non plantable - 7km
South	68	53.5	0	Municipal area - 2 km Non plantable - 12.5 km
Total	123.70	84.20+9=93.2	6.0	33.50
Total trees planted during 2019-20 = 33,110 nos.				

Proforma for monitoring of RBPT scheme

(17)

1106

A) Plantation

District	Sub - Division	Plantation site	Plantation already done (in ha)		Planting done today (in ha)	
			Tall tree (Species - Nos)	Horti & ornamental (Species - Nos)	Tall tree (Species - Nos)	Horti & ornamental (Species - Nos)
West	Sadar	Amtali By Pass to Uttam Bhakta Chowmani	815	325	156	57
South	WLW Trishna	Garjee to Patichari (Abhoya Wildlife Range)	560	00	0	0
	Bagafa	Betaga Bazar to Sachirambari	5620	1631	0	0
		Patichari to Satirbazar Betaga.	5708	762	0	0
	Sabroom	Harina to Satchand Bazar	2490	60	0	0
		Harina to Sabroom	2820	600	0	0
		Sakbari to Satchand Bazar	1805	245	0	0
Gomati	Udaipur	Bagma to Gomati bridge along NH44	2800	00	0	0
		Gomati bridge to Fulkumari	00	00	0	0
		Fulkumari to Matabari	450	60	0	0
		Matabari to Garjee	2800	00	0	0
Sepahijala	Bishalgarh	Tapoban Ashram to Bishalgarh Range and Parimal Chowmani to Bishramganj	2620	130	264	332
<b>Total</b>			<b>28488</b>	<b>3813</b>	<b>420</b>	<b>389</b>

1107  
 (16)

Nursery

District	Sub - Division	Nursery site	Nursery created for RBPT for next year (in Nos)	
			Tall tree (Species - Nos)	Horti & ornamental (Species - Nos)
West	Sadar	Hatipara Central Nursery	14000	50000
South	WLW Trishna	Baillyabari	5000	1000
	WLW Trishna	Durgapur	3000	0.0
	Bagafa		0.0	0.0
	Sabroom		0.0	0.0
Gomati	Udaipur	Paratia	2500	10000
Sepahijala	Bishalgarh	Charilam Range	0.0	0.0
	Bishalgarh	Pathaliaghat	0.0	0.0
<b>Total</b>			<b>24500</b>	<b>61000</b>

*(Handwritten signature)*  
 T.C

No. F.5 (Legal)/12/Vol-I/192  
अण्डमान तथा निकोबार द्वीप प्रशासन  
(पर्यावरण एवं वन विभाग)  
**ANDAMAN AND NICOBAR ADMINISTRATION**  
**(DEPARTMENT OF ENVIRONMENT & FORESTS)**

\*\*\*\*\*

Port Blair dated the 28<sup>th</sup> January, 2020

To

The Secretary,  
Govt. of India,  
Ministry of Road, Transport & Highways,  
Transport Bhawan, Sansad Marg,  
New Delhi - 110 001.

Sub: Compliance of directions of Hon'ble NGT, New Delhi in Execution Application No. 29/2018 in OA No. 386/2018 in the matter Society for Protection of Culture Heritage, Environment, Traditions and Promotion of National Awareness Vs NHAI & Ors. - reg.

Ref: MoEF&CC's letter No. 7-92/2016-FC dated 09.10.2019

Sir,

I am directed to refer to the MoEF&CC's letter referred above on the above captioned subject matter and the minutes of the meeting held on 30.08.2019 under the Chairmanship of Director General of Forest & Special Secretary, MoEF&CC, New Delhi, wherein it was finalized that the Ministry of Road, Transport and Highways (MoRTH) will be the Nodal Agency to monitor the compliance as directed by the Hon'ble Tribunal.

Further, in compliance of the order of the Hon'ble NGT dated 21.05.2019, I am directed to forward herewith the details in respect of State & National Highways in the UT of Andaman & Nicobar Islands for further needful action at your end.

Yours faithfully,

(Sudhir Mahajan)

Commr-cum-Secretary (Env. & Forest)

Encl: As above

Copy to:

The Dy. Inspector General of Forest, Govt. of India, MoEF&CC, Forest Conservation Division, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi - 110 003 along with the enclosures.



04.01.2020

To (W/Su)

5/2/2020

LA/SAT

1189

**VISION WISE DETAILS OF ENCROACHMENT, DEVELOPMENT/PLANTATION CARRIED OUT ALONG THE STRETCHES OF STATE HIGHWAYS MAINTAINED BY APWD**

Name of Division	SH No.	Extent of encroachment and action plan for its removal.	Provisions for leaving space up to a particular distance from the road for expansion and for plantation.	Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.	Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.	Extent of plantation carried out.	Highway where no space is left for ensuring green belt on the sides..
2 MID, APWD, Hutbay	3 SH-1 (Netaji Nagar to V.K. Pur) Length : 22.40 km	4 Earlier the road was a village road. During 2006, it was Notified as State Highway (Secretariat Notification dated 22/03/2006. Necessary action has to be taken by Revenue department for demarcating the Right of way at site In the State Highway-01 road from 0km to 22km. In which 8km to 11km and 11km to	5 After clear demarcation of Right of way, the provision of space for expansion and plantation area will be finalized by this division.	6 Direct access from State Highway to buildings are there and less scope for expansion and plantation.	7 Necessary notices have been issued to the owners of the buildings, who are constructing close to the road to follow the rules to avoid environment pollution such as air water and other pollution.	8 At present plantation activities are under process wherever required, in addition to the natural green belt.	9 Sufficient space is not available at market area at various location of Hutbay, R.K. Pur and V.K.Pur for further extension and settlement area as mention in Col. No.4

1110

Sl. No	Name of Division	SH No.	Extent of encroachment and action plan for its removal.	Provisions for leaving space up to a particular distance from the road for expansion and for plantation.	Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.	Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.	Extent of plantation carried out.	Highway where no space is left for ensuring green belt on the sides.
1	2	3	4 19km fall in the settlement area where the revenue pillar fall inside the Right of way (30 m for State Highway). 11km to 15km is the plantation area. From 19km to 22.40 km there are encroachment along the side of road.	5	6	7	8	9
2.	NACD, APWD, Mayabunder	SH-13 (Danapur Junction to Karmatang 10 via MGG College.) Length : 11.75 km	The extent of encroachment on the stretches of SH-13 from Danapur Junction to Karmatang-10 is minimum ranging from 15 to 20	In 80% of road stretch has space upto a particular distance from the road for expansion and plantation.	10% of total length of SH-13 is having direct extent of access from Highway to facilitate the habitant for their basic needs & amenities, facilities such as Hospitals,	Building near roads upto a specified distance are being regulated to ensure that no air, water or other pollution is caused and no encroachment takes place on the roads	Plantation to the extent of plantation of 30% road length on SH-13 is carried out.	In SH-13, the total length of road covers four villages and essential facilities provided for habitants at four villages, no space is available for

Name of Division	SH No.	Extent of encroachment and action plan for its removal.	Provisions for leaving space up to a particular distance from the road for expansion and for plantation.	Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.	Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.	Extent of plantation carried out.	Highway where no space is left for ensuring green belt on the sides.
2	3	4 percent of total length in the Right of Way. An Action Plan has been worked out for demarcation of Road & removal of encroachment through Revenue Department & Estate Officer, Mayabunder, North Andaman.	5	6 Schools, Police Station and other Administrative Services along the Highway.	7 space on account of activities of such buildings on SH-13.	8	9 ensuring green belt on the sides. Whereas entire length of SH-13 is passing through the green belt environment in Mayabunder, N&M Andaman.

1112

Sl. No	Name of Division	SH No.	Extent of encroachment and action plan for its removal.	Provisions for leaving space up to a particular distance from the road for expansion and for plantation.	Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.	Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.	Extent of plantation carried out.	Highway where no space is left for ensuring green belt on the sides.
1	2	3	4	5	6	7	8	9
3.	CD, APWD, Diglipur	SH-14 (Kalara Junction to Ramnagar) Length: 18.20 km & SH-15 (Subashgram to Hathilevel.) Length: 24.70 km	The extent of encroachment on the stretches of SH-14 from Kalara junction to Ramnagar and SH-15 Subashgram to Hathilevel in Diglipur is minimum ranging from 15 to 20 percent of total length in the Right of way. An action plan is being made for demarcation of ROW of SH-14 & SH-15 for demarcation of road and removal of encroachments through Revenue Department & Estate Officer, Diglipur, North Andaman.	80% of road stretch of SH-14 & 90% of road length of SH-15 has space up to a particular distance from the road for expansion and for plantation.	10% of total length of SH-14 & SH-15 is have direct access from Highway which facilitate the habitant for their basic needs & amenities, facilities such as Hospitals, Schools, Police Station and other Administration services along the Highway. There is no direct access to the road obstructing existing or potential plantation on both the SH-14 & SH-15.	Building near roads upto a specified distance are being regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings on both the SH-14 & SH-15	Plantation to the extent of 30% road length on SH-14 & SH-15 are carried out.	In SH-14 & SH-15, the total length of road covers in four & eight villages respectively and only at the location of main market places & essential facilities provided for habitants at four villages, no space is available for ensuring green belt on the sides. Whereas the entire length of SH-14 & SH-15 is passing through the green belt environment in Diglipur, N&M Andaman. Page 4 of 9

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Name of Division	SH No.	Extent of encroachment and action plan for its removal.	Provisions for leaving space up to a particular distance from the road for expansion and for plantation.	Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.	Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.	Extent of plantation carried out.	Highway where no space is left for ensuring green belt on the sides.
2 CD, APWD, Campbell Bay	3 SH-2(Zero Point to Shastrri Nagar) Length : 35.90 km	4 There is no encroachment on the right of way of the State Highway.	5 Sufficient space is available for expansion and plantation.	6 No access is directly allowed from Highway to Buildings	7 Specified distance is being regulated to ensure that no air, water or other pollution is caused and no encroachment taken place on roads space on account of activities of such buildings.	8 No plantation is carried out.	9 Sufficient space is available on either side of the road for ensuring green belt on the sides.
D, APWD, ar Nicobar	SH-3 (Circular road at Car Nicobar via Gandhi Statue, Malacca to Perka. Length : 45.70 km	Nil	Being Tribal area Coconut Plantation are available on either side of existing road.	No direct access available	No building is available near road side.	Natural growth of Plantation Crop exists only the road stretch.	All areas are covered with Plantation.

1119

Sl. No	Name of Division	SH No.	Extent of encroachment and action plan for its removal.	Provisions for leaving space up to a particular distance from the road for expansion and for plantation.	Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.	Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.	Extent of plantation carried out.	Highway where no space is left for ensuring green belt on the sides.
1		3	4	5	6	7	8	9
6.	RCD, APWD, Wimberlygunj	SH-9 (Chunna Batta Junction to Ferrargunj) Length : 11.80 km  SH-10 ( Bambooflat jetty to Shoalbay-15) Length : 20.80 km SH-11 (Tushnabad to Tirur.) Length : 10.50 km SH-12 (Ograbraj junction to	Before declaration of the State Highways all these roads were rural roads and the width of carriage way of most of the area is 3.00 m to 3.50m. After declaring SH, wherever the road space have been encroached requests were made to the Revenue Authority for demarcation of the road boundary and removal of violations.	Provision of land for expansion & plantation would be possible only if actual right of width boundary is demarcated at site by Revenue Department.	25% of the stretch of the State Highway has direct access. Remaining stretches/forests/ plantation on either side of the road.	Buildings are at a specified distance from the road. No building is affected by the air, water & other pollutant due to passing of the Highway.	Plantation being carried out by Forest Department along the side of the State Highways.	State Highway No. 9 and No. 10. Other area space available except at intersections and encroachment area.

(22)

Name of Division	SH No.	Extent of encroachment and action plan for its removal.	Provisions for leaving space up to a particular distance from the road for expansion and for plantation.	Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.	Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.	Extent of plantation carried out.	Highway where no space is left for ensuring green belt on the sides.
2	3	4	5	6	7	8	9
EE,CD-III, APWD Prothrapur	Saithankhari Junction. Length : 10.40 km SH-07 (Sippighat Junction to Phongi Balu Check Post) Length : 11.50 km	There are encroachments at two places to the extent of 5 m & 10m at Ch: 7km at Guptapara. Matter was taken up for removal on encroachment with the Revenue Department	Provision of land space for expansion & plantation would be possible only if actual right of width boundary to be demarcated and made available by the Revenue Authorities.	10% of Total length of SH-07 is having direct extent access from Highway.	Necessary notices have been issued to the owners of the buildings those who are constructing close road to follow the rules to avoid air, water and other pollution due to passing of SH	The extent of plantation is 45% of road length on SH 7. Sufficient plantation already exists along the Road side.	No space is left for Green Sufficient plantation/green belt exists along road side.
	SH-08 (Guptapara to Wandoor) Length : 10.20 km	No Encroachment in SH-08 from Guptapara to Wandoor (0.00 to 10.80 km)	Provision of land space for expansion & plantation would be possible only if actual right of width boundary is made	20% of Total length of SH-08 is having direct access from Highway.	Building near roads upto a specified distance are being regulated to ensure that no air, water or other pollution is	Plantation to the extent of 50% of road length on SH-08 on both sides.	No space is left for Green Sufficient plantation green belt already exists

1116

Sl. No	Name of Division	SH No.	Extent of encroachment and action plan for its removal.	Provisions for leaving space up to a particular distance from the road for expansion and for plantation.	Extent of access directly allowed from Highways to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.	Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.	Extent of plantation carried out.	Highway where no space is left for ensuring green belt on the sides.
1	2	3	4	5	6	7	8	9
8.	CD-1, APWD, Port Blair	SH-4 (Road from Swaraj Dweep Jetty to Radha Nagar Beach.) Length : 10.70 km SH-5 (Road from Govind Nagar Junction to Kalapather Beach) Length : 7.20 km	The extent of encroachment on the stretches of SH-4 from Havelock Jetty to Radha Nagar at Swaraj Dweep and SH-5 from Govind Nagar junction to Kalapather beach and SH-06 from Neil Jetty to Sitapur beach are minimum	80% of Road Length on SH-4 and 70% of Road Length on SH-5 and 90% of Road length on SH-06 have provision for leaving space to a particular distance from the road for expansion and for plantation.	15% of total length of SH-4, SH-5 and SH-6 are having direct extent of access from Highway which facilitated the habitant for their basic needs and amenities, facilities such as Hospitals, Schools, Police Station, Anganwadies essential commodities	Building near roads upto a specified distance are being regulated to ensure that no air, water or other pollution is caused and no encroachment takes place on roads space on account of activities of such buildings on both sides of the SH-08	The extent of natural plantation of 50% on SH-04, 60% on SH-05 and about 10% on SH-06 are carried out.	1) In SH-04, SH-05 & SH-06 the total length of road covers six, two & four villages respectively and only at the location of main market places and essential facilities provided for

117

Sl. No.	Name of Division	SH No.	Extent of encroachment and action plan for its removal.	Provisions for leaving space up to a particular distance from the road for expansion and for plantation.	Extent of access directly allowed from Highway to buildings and ensuring that there is no direct access to the road obstructing existing or potential plantation.	Buildings near roads upto a specified distance are regulated to ensure that no air, water or other pollution is caused and no encroachment takes place or space on roads on account of activities of such buildings.	Extent of plantation carried out.	Highway where no space is left for ensuring green belt on the sides.
1	2	3	4	5	6	7	8	9
		SH-6 (Shaheed Dweep Jetty to Sitapur Beach at Shaheed Dweep) Length : 5.10 km	from 15 to 20% of total length in the Right Way. However, an action is being taken for demarcation of Right of Way for removal of encroachment through Revenue Department & Estate Officer, South Andaman, Port Blair.		shops, vegetables and Administration services along the Highway. fruits and market other			habitants at six villages, no space is available for ensuring green belt on the sides. However, the entire length of SH-4, SH-5 and SH-6 are passing through the green belt environment in Swaraj Dweep (Havelock Island) and Shaheed Dweep (Neil Island) of South Andaman.

*[Signature]*  
T.C