

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

Original Application No. 229/2025 (IA No. 350/2025)

Re:

**STATUS REPORT IN TERMS OF HON'BLE TRIBUNAL'S
ORDER DATED 08.05.2025 ON BEHALF OF DEPARTMENT
OF HORTICULTURE, KASHMIR, UNION TERRITORY OF
JAMMU & KASHMIR.**

INDEX

S. No.	Particulars	Page No.
1	Status report	1-6
2	Affidavit	7-8
3	Annexure A (Committee Report dated 30.06.2025)	9
4	Annexure B (Committee Report Dated 30.07.2025)	10

Answering Respondent

through counsel



(Gautam Singh)

Standing Counsel, J&K
National Green Tribunal
Chamber No. 71 Supreme Court Of India
Contact Number - 9970179706
Email: gautamsinghh.ind@gmail.com

Place: Delhi

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

Original Application No. 229/2025 (IA No. 350/2025)

In re:

STATUS REPORT IN TERMS OF HON'BLE
TRIBUNALS ORDER DATED 08.05.2025 ON
BEHALF OF DEPARTMENT OF HORTICULTURE,
KASHMIR, UNION TERRITORY OF JAMMU &
KASHMIR.

May it please your Honour: The answering respondents

most respectfully submit

as under:-

Shafiq
**CHIEF HORTICULTURE OFFICER
BUDGAM**
1. That the Hon'ble National Green Tribunal
passed an order on 08.05.2025 in the above
titled original application. The relevant paras
of the said order are reproduced as under:

"2. In the 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 O.A be amended by the Applicant.

3. 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.

4. List on 15.09.2025"

2. That it is respectfully submitted that in compliance with the Hon'ble Tribunal order dated 08.05.2025 the answering respondent 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 as exist on spot. The said committee in its report No. UO/DLSMS/Bud/Dev/2025-26/1815 dated 30.06.2025 (Annexure-A) has made the

Shafiq

CHIEF HORTICULTURE OFFICER
BUDGAM

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.

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

Shafiq

**CHIEF HORTICULTURE OFFICER
BUDGAM**

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

Shafiq
CHIEF HORTICULTURE OFFICER
BUDGAM

severe water stagnation, which in turn has damaged the fruit plants in the orchard."

3. That as regards the extent of damages caused to the orchard, it is respectfully submitted that the said committee vide No. UO/DLSMS/Bud/Dev/2025-26/2550 dated 30.07.2025 (Annexure-B) has reported as under:

"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 is observed as under:

300 apple plants have completely dried or been damaged, which correspond 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,

Shafiq

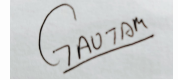
**CHIEF HORTICULTURE OFFICER
BUDGAM**

accounting for about 20-25% loss to the plants''

In view of the above, it is humbly prayed that this Hon'ble Tribunal may be pleased to take the affidavit on record as compliance with the order dated 08.05.2025 on behalf of Department of Horticulture, Kashmir.

Answering Respondents

Through Counsel



(Gautam Singh)
Standing Counsel, J&K
National Green Tribunal
Chamber No. 71 Supreme Court Of
India
Contact Number - 9970179706
Email: gautamsinghh.ind@gmail.com


CHIEF HORTICULTURE OFFICER
BUDGAM

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

Original Application No. 229/2025 (IA No. 350/2025)

In re: Compliance affidavit in terms of order dated
08.05.2025 passed by the Hon'ble National
Green Tribunal, New Delhi on behalf of
Department of Horticulture, Kashmir.

I, Shafiq Khalid, aged 53 years,
posted as Chief Horticulture Officer, Budgam,
Department of Horticulture, Kashmir, do hereby
solemnly affirm and declare that the contents
made in the accompanying status report are duly
drafted by the counsel under my instructions and
are true and correct to the best of my knowledge.

[Handwritten signature]

Shafiq
Deponent
CHIEF HORTICULTURE OFFICER
BUDGAM

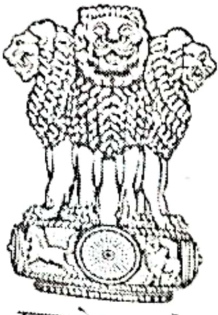
Verification:

Verified today on 22/8/2025 day of August,
2025 at Srinagar that the averments made
hereinabove are true and correct to the best of my
knowledge and belief.

I Certified that the statement declared
on oath by the deponent on
this date
by Shafiq Khalid
who is identified by

Shafiq
Deponent
CHIEF HORTICULTURE OFFICER
BUDGAM

[Handwritten signature]
Sd/-
N.G.T. PUBLIC



सत्यमेव जयते

538

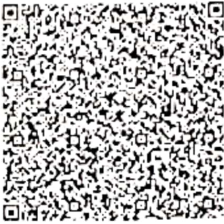
INDIA NON JUDICIAL

Government of Jammu and Kashmir

e-Stamp

08

Certificate No. : IN-JK76022984507856X
Certificate Issued Date : 22-Aug-2025 10:53 AM
Account Reference : NEWIMPACC (SV)/ jk12583704/ HIGH COURT SRNGR/ JK-SN
Unique Doc. Reference : SUBIN-JKJK1258370437611037762866X
Purchased by : SHAFIQA KHALID
Description of Document : Article 4 Affidavit
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : SHAFIQA KHALID
Second Party : Not Applicable
Stamp Duty Paid By : SHAFIQA KHALID
Stamp Duty Amount(Rs.) : 10
(Ten only)



Please write or type below this line



Scanned with OKEN Scanner

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

Annexure A

4/4 09

Tele-Fax: - 01951-351648
E-Mail :- horticulturechiefbudgam2016@gmail.com

The Chief Horticulture Officer,
Budgam

No: UO/DLSMS/Bud/Dev/2025-26/1016.

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 poros. 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.

Committee members:

Horticulture Development Officer
Chadoora

District Horticulture Officer
Budgam

SMS (Horticulture)
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

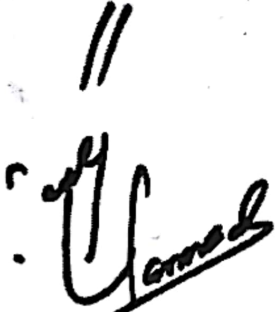
In continuation to the Committee Report already submitted, regarding the case titled *Ghulam Nabi Bhat Vs National Highway Authority of India* pending before the Hon'ble National Green Tribunal, it is to submit the following:

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.

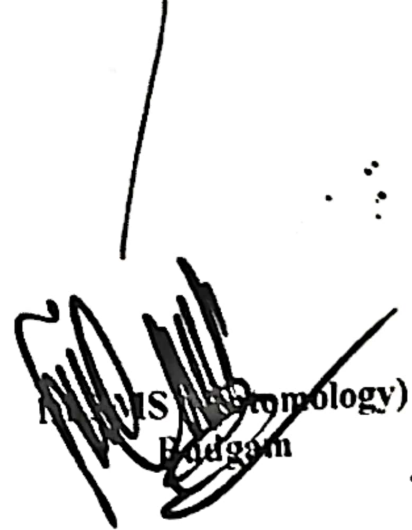
Hence submitted for further



Horticulture Development
Officer Chadoora



District Horticulture Officer
Budgam



District Horticulture Officer
(District Horticulture Officer)
Budgam

NO. UD/OLSMS/Bud/Dev/2025-26/2550.
Dated:- 30-07-2025.