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W.P.No. 15120 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No. 15120 of 2019

and W.M.P.Nos.8422 of 2024, 16969 of 2025 & 14765 of 2025

G.Subramania Koushik

S/o.R.Gopal Iyer, No.47, Vijaya Nagar

Place Road, Near Rose Garden, Ooty,

The Nilgiris District 643001.

Petitioner(s)

Vs

1. The Principal Secretary
to Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Fort St.George, chennai 600
009.

2.The District Collector,
The Nilgiris District, Collectorate,
Ooty 643001.

3.The Commissioner,
Udhagamandalam Municipality, Ooty,
The Nilgiris District.

4.The Commissioner,
Coonoor Municipality, Coonoor,
The Nilgiris District.



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5.The Commissioner,
Gudalur Municipality, Gudalur, The
Nilgiris District.

6.The Commissioner,
Kotagiri Town Panchayath, Kotagiri,
The Nilgiris District.

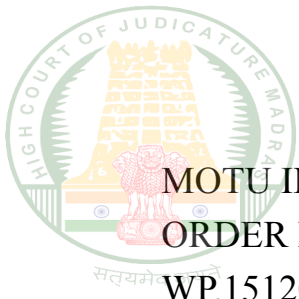
7.The Field Director,
Mudumalai Tiger Reserve, Mount
Stuart Hill, Ooty, The Nilgiris.

8.The District Forest Officer,
The Nilgiris District, Mount Stuart Hill,
Ooty -643001.

9.The Commissioner,
Kodaikanal Municipality, Kodaikanal,
Dindigul District. (R9 SUO MOTU
IMPLEADED VIDE ORDER DT
12.02.2021 MADE IN WP.15120/2019
BY NSKJ)

10.The Principal Secretary To
Government,
Transports Department, Secretariat,
Fort St. George, Chennai - 600009.

11.The Transport Commissioner,
Government of Tamil Nadu,
Commissionerate of Transport and
Road Safety, Ezhilagam, PWD Estate,
Chepauk, Triplicane, Chennai -
600005.(R10 AND R11 ARE SUO



MOTU IMPLEADED AS PER
ORDER DATED 24.11.2022 IN
WP.15120/2019 BY NSKJ AND DBCJ)

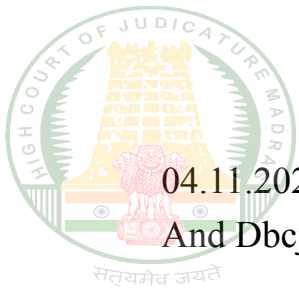
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12. Shantha Thiagarajan,
Late Shri.D.Thiagarajan, No.201-B,
THIAGS Missionary Hill,
Udhagamandalam, The Nilgiris
643002. (R12 IMPLEADED VIDE
ORDER DT 16.03.2023 MADE IN
WMP.8577/2023 IN WP.15120/2019
BY NSKJ, DBCJ)

13. The Principal Secretary,
Department Of Municipal
Administration, Urban And Water
Supply, Government Of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.600 009.

14. The Additional Chief Secretary,
Department Of Tourism, Culture And
Religious Endowments Department,
Government Of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.600 009. (r13 And R14 Are Suo
Motu Impleaded As Per Order Dated
19.03.2024 In Wp.15120/2019 By Nskj
And Dbcj)

15. The Secretary To The Ministry Of
Road Transport And Highways,
Transport Bhawan, No.1, Parliament
Street, New Delhi.110 001. (r15- Suo
Motu Impleaded As Per Order Dated



W.P .No. 15120 of 20



04.11.2024 In Wp.15120/2019 By Nskj
And Dbcj)

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Respondent(s)

WMP No. 8422 of 2024 and 14765 of 2025

1. G.Subramania Koushik
S/o.R.Gopal Iyer, No.47, Vijaya Nagar
Place Road, Near Rose Garden, Ooty,
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Petitioner(s)

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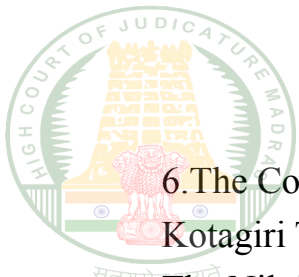
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8.The District Forest Officer,
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9.The Commissioner,
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Department Of Tourism, Culture And
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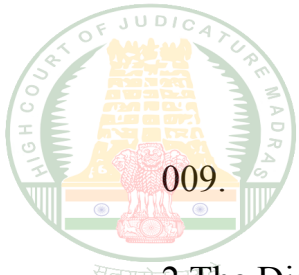
WMP.No.16969 of 2025

The Tamil Nadu Hotel Association
Rep by its Secretary Mr.R.Srinivasan
4th Floor, Montieth Mansion
27 Montieth Road, Egmore, Chennai – 600 008

... Petitioner

VS

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to Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Fort St.George, chennai 600



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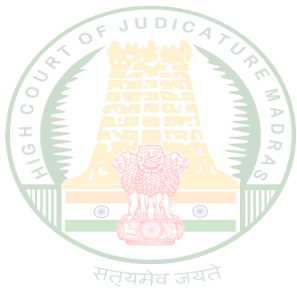
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And Dbcj)

WP No. 15120 of 2019 and WMP No. 8422 of 2024 and 14765 of 2025

For Petitioner(s): Mr.T.V.Suresh Kumar
M/s Genicon & Associates
For Respondent(s): Dr.T.Seenivasan
Spl.GP for R1 to 3, 5 to 11, 13
and 14
Mrs.A.Sri Jeyanthi For R4
Mr.K.Madhan for R12
Mr.V.Chandrasekaran, SPC
for R15
M/s.T.Mohan, Senior Counsel
and
Mr.M.Santhanaraman
Amicus Curiae
Mr.C.Mohan, Amicus Curiae
Mr.Rahul Balaji, Amicus Curiae

WMP No. 16969 of 2025

For Petitioner(s): Mr.R.Vishnu
For Respondent(s): Mr.T.V.Suresh Kumar for R1
M/s Genicon & Associates
Dr.T.Seenivasan
Spl.GP for RR2 to 4, 6 to 12, 14



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Mrs.A.Sri Jeyanthi For R5

Mr.K.Madhan for R13

Mr.V.Chandrasekaran, SPC

for R16

M/s.T.Mohan, Senior Counsel

and

Mr.M.Santhanaraman

Amicus Curiae

Mr.C.Mohan, Amicus Curiae

Mr.Rahul Balaji, Amicus Curiae

ORDER

Dr.T.Seenivasan, learned Special Government Pleader (Forests) takes notice for the respondents 1 to 3, 5 to 11, 13 & 14 and seeks time for filing counter.

2. It is brought to our notice that there are large number of home stays/cottages which are functioning without even any license whatsoever from the Tourism Department or from the other agencies of the local bodies. Therefore, immediate measures are required to crack down all those illegal operators who operate without license from the Tourism Department. In this regard, an this Court is of the view that inspection shall be carried out



throughout Nilgris District as well as Kodaikanal hills by a committee

comprising of District Revenue Officer, Municipal Commissioner and District

Tourism Officer concerned.

3. The committee shall ensure inspection be carried throughout the hills.

This apart, the Committee shall also ascertain information through various private booking websites and ascertain whether the listed home stays, cottages are license operators or not.

4. This apart, licensed home stay operators and hoteliers and general public can also bring to the notice of the Committee as to any persons operating illegal home stays or any place that is allowed to be maintained as home stays/cottages without license. Upon reception of such complaints, name of the complainant shall be kept confidential and immediately, the place shall be inspected. The Committee can also make complaint mechanism in the form of dedicated mobile numbers/social media numbers/media through which persons can send the complaint. Due publicity can be given in respect of such numbers.



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5. Let a thorough inspection be carried out and wherever the committee finds that there are illegal operations, the Committee shall in accordance with law close down such establishment forthwith. A detailed inspection be carried on, an action be taken and such action taken report be filed before this Court on the next hearing date with photograph and videograph.

Issue relating to e-pass/carrying capacity

6. Status report has been filed regarding the implementation of e-pass system. It has been stated that e-pass system is being implemented in 5 checkpoints in Nilgris and press release is also issued to the neighbouring District Collectors namely Coimbatore, Wayanad/Malaparam (Kerala), Chamaraj Nagar (Karnataka) etc., The prohibition is also issued in respect of long chassis tourist vehicles.

7. As far as the eco-friendly transport system is concerned, already the Hon'ble Chief Minister of Tamil Nadu has announced that it will be implemented and a sum of Rs.5 crores has also been earmarked and procedures



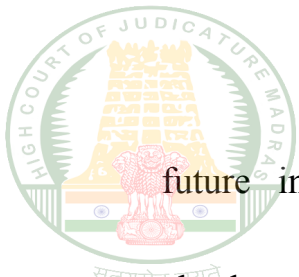
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are being on to introduce "Hop-on Hop-off" bus service to connect major tourist destination across the districts. As far as the establishment of EV charging infrastructure is concerned, the process of indentifying suitable location has been instructed to the local bodies and relevant department.

8. It is also stated that communication has been issued to the National Informatics Centre (NIC) to accord priority to electric vehicles while processing applications for school and college excursions, particularly those intended for children and students ensuring ease of access for educational travel

Issue relating to road safety and boom barriers

9. With regard to the installation of boom barriers and FASTag Integration, it is stated that work has been completed at the Kallar Checkpost and is now currently in the trial run. FASTag integration MoU has been signed and sent to the Indian Highways Management Company Limited (IHMCL) for approval. At the Kunjappanai checkpost, civil works have been completed and the remaining installation is scheduled to be identified and earmarked for the



future installation of boom barriers at the Masinagudi and Melgudalur

checkposts to enhance traffic regulation and monitoring capabilities. For the

remaining 12 checkposts in the Nilgris District, formal communication has been

sent to the IHMCL seeking support for the integration of FASTag technology.

CCTV surveillance systems have been installed at all major entry points and

checkposts in and around the Nilgris District.

10. With reference to Kodaikanal also, it is stated that the original width at Kamakkapatti check post was 7 meters. Now, it has been expanded to a width of 21 meters and at a length of 100 meters, accommodating 4 lanes. It is stated that the required materials received in Bathlakundu Kattakamanpatti checkpost for boom barriers with e-pass readers and its installation will be completed on or before 30.04.2025. The data with reference to the vehicle entry captured through ANPR cameras is also submitted. It is stated that on an average including the vehicles for which there is no upper cap, i.e., including local vehicles, goods vehicles etc., on week days, 7000 vehicles enter Nilgris. During weekend 9450 vehicles enter. Similarly the daily particulars with reference to



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Kodaikanal is also given. Suffice it to state that both the Nilgris and Kodaikanal

District, it is not mentioned that on any particular date, the demand for e-pass was more than the upper cap fixed by this Court. As far as Kodaikanal district is concerned, on no date the number of e-pass seekers have exceed the upper cap that is fixed by this Court.

11. As far as the Nilgris District is concerned, since the issue relating to the passing through vehicles has been resolved, it is little uncertain on any date whether the demand goes up or not. In this regard, the concerned website can also be upgraded whenever somebody logs in and his application is turned down as “quota exhausted” can also be maintained. The number of applications can be maintained so that, that data as to how many persons after applying are going back empty handed on the ground that upper cap is already exhausted can also be known. Even otherwise the data can also be produced before this Court as to whether at all the number of application is more than upper cap which is fixed by this Court and the same can be considered.



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12. In the meanwhile, since it is pleaded by Dr.T.Seenivasan, learned Special Government Pleader (Forests) and the Additional Collector, Nilgris who is present on virtual mode that there are some special festivals, i.e., flower show, fruit show and rose show that is to happen on certain days at Ooty. Depending on the need, we confer the discretion on the District Collector, Nilgris to increase the upper cap limit by 500 numbers of vehicles depending on the needs only on those days. Similarly, on the day of flower show in Kodaikanal, if the necessity arises, the District Collector, Kodaikanal can also increase the upper cap by another 300 number of vehicles.

13. With reference to the particulars as to the meeting with the stakeholders including the hotel and restaurants association and trader association are also mentioned and certain ideas and thoughts are also put in the status report. The same can be kept on accumulated and appropriate measures can also be introduced after the data for this year comes so that the entire administration has an idea as to what are all problems that are arising.



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14. It is brought to our notice that there has been delay in commencing the process of issuing separate pass for vehicle of the local residents and good vehicle used for agriculture and other purpose. With reference to the local residents, some of them may be residing outside Nilgris or Kodaikanal and other districts also. Considering the same, in paragraph 21(ii), we had directed to issue separate pass to them. The Additional Collector, Nilgris present virtually would submit that the process of issuing online passes is on and process is initiated to integrate to the same web portal which issues the e-passes also. Let the process be expedited.

15. The fifth respondent namely Ministry of Road Transport and Highways shall instruct the IHMCL to expedite the entire process and to sign the MoU at the earliest and also future MoUs that are required in respect of Nilgris and Kodaikanal so that the entire e-pass can be implemented seamlessly. The process of collecting green tax also simultaneously can be speeded up and there will not be any bottleneck near the checkpost.



16. The work undertaken so far by the expert appointed by the Government shall also be placed in the status report that is to be filed.

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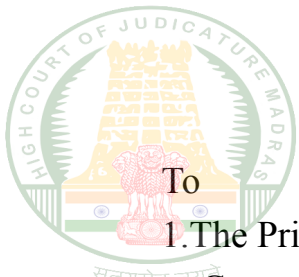
17. Miscellaneous Petition has been filed by the Tamil Nadu Hotel Association in WMP.No.16969 of 2025 to impleaded themselves as 16th respondent the above writ petition. The learned counsel for the petitioner is directed to produce the list of members of the petitioner's association in the Nilgris as well as Kodaikanal and also other particulars as to how many rooms and other capacity etc., for consideration of their requests.

18. Call on 20.06.2025.

(N.S.K., J.) (D.B.C., J.)

25-04-2025

dhk



To

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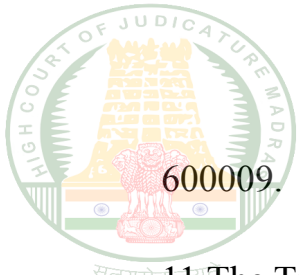
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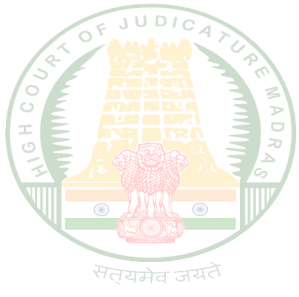
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