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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Reserved on : 08.08.2025

Pronounced on : 12.09.2025

CORAM

THE HON'BLE MR. JUSTICE N. SATHISH KUMAR
AND
THE HON'BLE MR. JUSTICE D. BHARATHA CHAKRAVARTHY

W.P.Nos.26182, 33129 of 2023

1492, 1637, 1777, 1945, 2667, 2815, 3941, 4448, 6779, 7444, 8326, 12687, 23499,
23502, 23521, 23526, 23528, 23532, 23536, 24928, 27450, 28073, 28505, 28995,
33012, 34953, 34956, 34960, 34964, 34969, 35966, 25371, 25395, 25398, 25405,
25412, 25414, 25457, 25464, 28949, 22933, 27924 of 2024
1652, 18143, 9790, 23478, 25501, 27892, 29658, 30075 of 2025

and

W.M.P.Nos.38280 of 2023

1510, 1670, 1829, 2055, 2944, 3074, 4246, 4804, 7554, 8325, 8326, 9284, 13840,
13842, 25690, 25720, 25694, 25729, 27549, 25736, 29550, 25739, 29543, 25742,
25757, 25746, 27271, 29950, 30623, 31078, 31079, 31649, 31651, 35793, 37906,
37907, 37909, 37908, 37915, 37916, 37919, 37920, 37924, 37926, 38848, 38851,
27732, 27762, 27766, 27774, 27784, 27785, 27818, 27827, 31598, 24987, 24985,
30452, 30456 of 2024

1894, 20317, 10974, 26346, 26347, 28669, 28667, 31249, 31247 of 2025

and

WMP.Nos.3073, 24984 of 2024 & 26344, 10972, 33251, 33252, 33711, 33712 of
2025

WP.No.26182 of 2023

Sarootham Padmanabhan

... Petitioner

Versus

1.The State of Tamil Nadu

Represented by Additional Chief Secretary to Government

Environment, Climate Change and Forests Department

Fort St.George, Chennai – 600 009

2.The Segur Plateau Elephant Corridor Inquiry Committee



W.P.Nos.26182 of 2023 etc., batch cases

Represented by its Chairman
Forestry Extension Campus
Gymkhana Club Road
Finger Post, Udhagamandalam – 643 006
The Nilgiris District, Tamil Nadu

3.The District Collector, The Nilgiris District
Collectorate, Charring Cross
Udhagamandalam – 643 001
The Nilgiris.

... Respondents

Prayer in WP.No.26182 of 2023: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records of the common order dated 19.08.2023 passed by the 2nd respondent in Case No.19/2021 and to quash the same.

WP. 26182/2023

Petitioner : Mr. Sharath Chandran

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 33129/2023

Petitioner : Ms. Jayna Kothari, Senior Counsel Assisted By
Aparna Mehrotra And R. Rajagopalan and
Ms.B.Devadharshini for Mr. M. V. Swaroop

Respondents : Mr. J. Ravidran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R2
Mr. S. Karthikei Balan Standing Counsel (R3)

WP. 1492/2024

Petitioner : Mr. Abudu Kumar Rajarathinam, Senior Counsel
for Mr.Rajagopal Vasudevan



Respondent : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 1637/2024

Petitioner : Mr. Sharath Chandran
for Mr.S. Ashok Kumar

Respondents : Mr. J. Ravidran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 1777/2024

Petitioner : Mr. Sharath Chandran
for Mr.S. Ashok Kumar

Respondents : Mr. J. Ravidran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 1945/2024

Petitioner : Mr. Sharath Chandran
for Mr.S. Ashok Kumar

Respondents : Mr. J. Ravindran,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 2667/2024

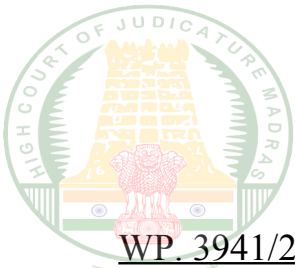
Petitioner : Mr.Abudu Kumar Rajarathinam, Senior Counsel
for Mr.Sharath Chandran

Respondents : Mr. J. Ravindran,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 2815/2024

Petitioner : Mr. Abudu Kumar Rajarathinam, Senior Counsel
for Mr.S.Ashok Kumar

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)



W.P.Nos.26182 of 2023 etc., batch cases

WP. 3941/2024

Petitioner : Mr. Sharath Chandran
for Mr.S. Ashok Kumar
Respondents : Mr. J. Ravindran,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 4448/2024

Petitioner : Mr. Sharath Chandran
Respondents : Mr. J. Ravindran, AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 6779/2024

Petitioner : Mr. Sharath Chandran
for Mr.S. Ashok Kumar
Respondents : Mr. J. Ravindran,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 7444/2024

Petitioner : Mr. Sharath Chandran
Respondents : Mr. J. Ravindran,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 8326/2024

Petitioner : Mr. T. Gowthaman, Senior Counsel For
Mr. Muthucharan Sundresh
Respondents : Mr. J. Ravindran,AAG Assisted By
Dr. T. Seenivasan SGP, GP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 12687/2024

Petitioner : Mr. Sharath Chandran
for Mr.S. Ashok Kumar
Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3



W.P.Nos.26182 of 2023 etc., batch cases

Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 23499/2024

Petitioner

: Mr. Salman Khurshid, Senior Counsel
Assisted By Mr. Zafar Khurshid Assisted By
Mr. Ramasamy Meiyappan

Respondents

: Mr. S. Karthikei Balan Standing Counsel (R1)
Dr. G. Babu SPC For R2
Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4

WP. 23502/2024

Petitioner

: Mr. Salman Khurshid, Senior Counsel
Assisted By Mr. Zafar Khurshid Assisted By
Mr. Muthucharan Sundresh

Respondents

: Mr. S. Karthikei Balan Standing Counsel (R1)
Dr. G. Babu, SPC for R2
Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4

WP. 23521/2024

Petitioner

: Mr. Salman Khurshid, Senior Counsel
Assisted By Mr. Zafar Khurshid Assisted By
Mr. P. Purushotham

Respondents

: Mr. S. Karthikei Balan Standing Counsel (R1)
Dr. G. Babu SPC For R2
Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4, R5

WP. 23526/2024

Petitioner

: Mr. Salman Khurshid, Senior Counsel
Assisted By Mr. Zafar Khurshid Assisted By
Mr. P. Purushotham

Respondents

: Mr. S. Karthikei Balan Standing Counsel (R1)
Dr. G. Babu SPC for R2
Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4, R5

WP. 23528/2024



Petitioner

: Mr. Salman Khurshid, Senior Counsel
Assisted By Mr. Zafar Khurshid Assisted By
Mr. P. Purushotham

Respondents

: Mr. S. Karthikei Balan Standing Counsel (R1)
Dr. G. Babu SPC For R2
Mr. J. Ravindran, AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4, R5

WP. 23532/2024

Petitioner

: Mr. Salman Khurshid, Senior Counsel
Assisted By Mr. Zafar Khurshid Assisted By
Mr. Ramasamy Meiyyappan

Respondents

: Mr. S. Karthikei Balan Standing Counsel (R1)
Dr. G. Babu SPC for R2
Mr. J. Ravindran, AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4

WP. 23536/2024

Petitioner

: Mr. Salman Khurshid, Senior Counsel
Assisted By Mr. Zafar Khurshid Assisted By
Mr. Muthucharan Sundaresh

Respondents

: Mr. S. Karthikei Balan Standing Counsel (R1)
Dr. G. Babu SPC For R2
Mr. J. Ravindran, AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4

WP. 24928/2024

Petitioner

: Mr. T. Gowthaman, Senior Counsel For
Mr. Muthucharan Sundresh

Respondents

: Mr. J. Ravindran, AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)

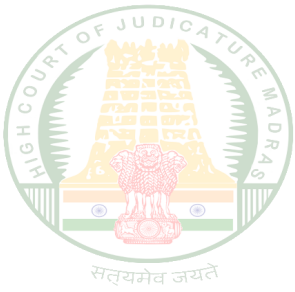
WP. 27450/2024

Petitioner

: Mr. P. Purushotham

Respondents

: Mr. S. Karthikei Balan Standing Counsel (R1)



W.P.Nos.26182 of 2023 etc., batch cases

Mr. V. Chandrasekaran, SPC For R2
Mr. J. Ravindran, AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4, R5

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WP. 28073/2024

Petitioner : Mr. P. Purushotham

Respondents : Mr. S. Karthikei Balan Standing Counsel (R1)
Mr. V. Chandrasekaran, SPC For R2
Mr. J. Ravindran, AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4, R5

WP. 28505/2024

Petitioner : Mr. V. Raghavachari, Senior Counsel For
Mr. V. Ponnappa Bharathi And
Ms. Annie Singh

Respondents : Mr. S. Karthikei Balan Standing Counsel (R1)
Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R2, R4, R5
Ms. J. Priscilla Pandian CGSSC For R3

WP. 28995/2024

Petitioner : Mr. Sharath Chandran

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

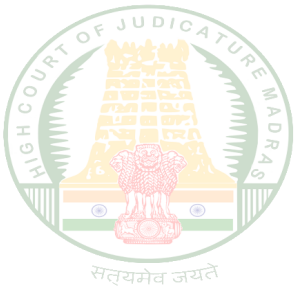
WP. 33012/2024

Petitioner : Mr. Sharath Chandran

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 34953/2024

Petitioner : Mr. A. Mohamed Ismail
Respondents : Mr. S. Karthikei Balan Standing Counsel (R1)
Mr. V. Chandrasekaran, SPC For R2



Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4, R5

WP. 34956/2024

Petitioner : Mr. A. Mohamed Ismail

Respondents : Mr. S. Karthikei Balan Standing Counsel (R1)
Mr. V. Chandrasekaran, SPC For R2

Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4, R5

WP. 34960/2024

Petitioner : Mr. A. Mohamed Ismail

Respondents : Mr. S. Karthikei Balan Standing Counsel (R1)
Mr. V. Chandrasekaran, SPC For R2

Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4, R5

WP. 34964/2024

Petitioner : Mr. A. Mohamed Ismail

Respondent : Mr. S. Karthikei Balan Standing Counsel (R1)
Mr. V. Chandrasekaran, SPC For R2

Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4, R5

WP. 34969/2024

Petitioner : Mr. A. Mohamed Ismail

Respondents : Mr. S. Karthikei Balan Standing Counsel (R1)
Mr. V. Chandrasekaran, SPC For R2

Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R3, R4, R5

WP. 35966/2024

Petitioner : Mr. Sharath Chandran

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)



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WP. 25371/2024

Petitioner : Mr. Sharath Chandran For
Mr. Rajagopal Vasudevan

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 25395/2024

Petitioner : Mr. Abudu Kumar Rajarathinam, Senior Counsel
for Mr.Rajagopalan Vasudevan

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 25398/2024

Petitioner : Mr. Sharath Chandran For
Mr. Rajagopal Vasudevan

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 25405/2024

Petitioner : Mr. Sharath Chandran For
Mr. Rajagopal Vasudevan

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 25412/2024

Petitioner : Mr. Sharath Chandran For
Mr. Rajagopal Vasudevan

Respondent : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 25414/2024

Petitioner : Mr. Sharath Chandran For
Mr. Rajagopal Vasudevan



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WP. 25457/2024

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)

Petitioner : Mr. Sharath Chandran For
Mr. Rajagopal Vasudevan

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 25464/2024

Petitioner : Mr. Abudu Kumar Rajarathinam, Senior Counsel
for Mr.Rajagopalan Vasudevan

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 28949/2024

Petitioner : Mr. Sharath Chandran For
Mr. Rajagopal Vasudevan

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 1652/2025

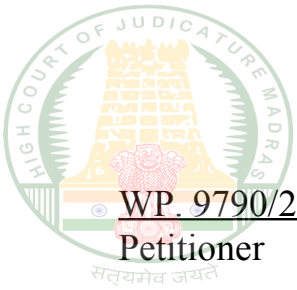
Petitioner : Mr. Sharath Chandran For
Mr. Rajagopal Vasudevan

Respondent : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 18143/2025

Petitioner : Mr. Sharath Chandran For
Mr. Rajagopal Vasudevan

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP, For R1, R3, R4
Mr. S. Karthikei Balan Standing Counsel (R2)



WP. 9790/2025

Petitioner

: Ms. Jayna Kothari, Senior Counsel Assisted By
Aparna Mehrotra And R. Rajagopalan and
Ms.B.Devadharshini for Mr. M. V. Swaroop

Respondents

: Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP, For R1, R2, R4
Mr. S. Karthikei Balan Standing Counsel (R3)

WP. 22933/2024

Petitioner

: Mr. E. Om Prakash, Senior Counsel , Assisted By
Mr. R. Murali For Mr. R. Ragavendran

Respondents

: Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP, For R1 And R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 23478/2025

Petitioner

: Mr. K. Sharath Chandran

Respondents

: Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP,For R1, R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 25501/2025

Petitioner

: Mr. Sharath Chandran For
Mr. Rajagopal Vasudevan

Respondents

: Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP,For R1, R2, R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 27892/2025

Petitioner

: Mr. Sharath Chandran For
Mr. Rajagopal Vasudevan

Respondents

: Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP For R1, R3
Mr. S. Karthikei Balan Standing Counsel (R2)

WP. 29658/2025

Petitioner

: Mr. Sharath Chandran



W.P.Nos.26182 of 2023 etc., batch cases

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP, For R1, R3
Mr. S. Karthikei Balan Standing Counsel (R2)

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WP. 30075/2025

Petitioner : Mr. Sharath Chandran

Respondents : Mr. J. Ravindran ,AAG Assisted By
Dr. T. Seenivasan SGP, For R1, R3
Mr. S. Karthikei Balan Standing Counsel (R2)

W.P.No.27924 of 2024

Petitioner : Mr. V. Raghavachari, Senior Counsel For
Mrs. V. Srimathi

Respondent : Mr. J. Ravindran, AAG Assisted By
Dr. T. Seenivasan SGP

Amicus Curiae : Mr.T.Mohan, Senior Counsel

COMMON ORDER

The petitions in WMP.Nos.3073, 24984 of 2024 & 26344, 10972 of 2025 have been filed to permit the petitioners therein to file single writ petition. These petitions are ordered.

2. All these writ petitions challenge the findings of the Inquiry Committee constituted by the Hon'ble Supreme Court in Civil Appeal Nos.3438 to 3439 of 2020 vide order dated 14.10.2020 to hear the objections of the individuals claiming to be



aggrieved by the actions of the District Collector, The Niligiris with regard to plan of action report and twin action taken reports; regarding the variance in acreage and sealing of the resorts arbitrarily despite approvals and title and also the demolition orders passed by the concerned Executive Authority.

3. The petitioners are either the owners of the resort/guest houses or the owners of the land in and around the The Niligiris Forest area.

BACKGROUND

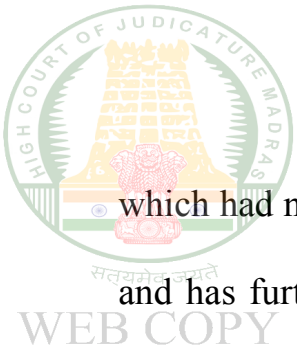
4. The Government of India launched a scheme titled "Project Elephant" in the year 1992 to provide financial and technical support of wildlife management efforts by States for their free ranging populations of Wild Asian Elephants. Under this scheme, with a view to minimize the incidents of man-animal conflict and to have effective control to check poaching, the Ministry of Environment and Forests, Government of India by its proceedings No.2-15/2002-PE dated 11.08.2006 requested the Government of Tamil Nadu to take necessary action for notification and protection of the identified elephant corridors in the State. Pursuant to the same, the Government of Tamil Nadu under G.O.Ms.No.93, Environment and Forests Department dated 21.08.2007 had appointed a committee to explore the possibility



of acquiring the patta lands with the willingness of the farmers, who can spare their lands for elephant corridors.

5. In this backdrop, an organisation named *In Defence of Environment and Animals* filed a writ petition in W.P.No.10098 of 2008 seeking to keep the elephant corridors free from encroachment and to prevent any other disturbances to the free movement of elephants and other animals. While things stood thus, Hospitality Association of Mudumalai filed an impleading application contending that they had been providing hospitality services to tourists and there had been no human animal conflict, since there is little or no agriculture and the elephants can freely move around throughout the area. An Expert Committee was constituted to find out the elephant corridor in the Sigur Plateau in The Niligiris region and thereafter, published a proposed elephant corridor as identified by the Expert Committee and the State Government has issued G.O.Ms.No.125 dated 31.08.2010 specifying the boundaries of the elephant corridor and the Survey Nos falling within the said corridor.

6. This Court, on consideration of the facts and circumstances vide order dated 07.04.2011 in W.P.Nos.10098 of 2008 and others upheld the validity of the Government Order of Tamil Nadu Government in G.O.Ms.No.125 dated 31.08.2010



which had notified an Elephant Corridor in the Sigur Plateau of The Nilgiris District and has further directed resort owners and other private land owners to vacate and hand over the vacant possession of the lands falling within the notified elephant corridor to the District Collector, The Nilgiris within three months from the date of the order.

7. Challenging the order, the Hospitality Association of Mudumalai has filed Civil Appeal.Nos.3438 to 3439 of 2020 (batch cases) contending that their lands do not fall within a scientifically recognised elephant corridor and the notified corridor was an artificial corridor that did not align with historical elephant movement patterns. Further, there is a variance in acreage between the recommendation of the Expert Committee formed by this Court and the Government Order in G.O.Ms.No.125 dated 31.08.2010. The Hon'ble Supreme Court has held that in order to protect the elephant population in the Sigur Plateau region, it was necessary and appropriate for the State Government to limit commercial activity in the areas falling within the elephant corridor. Allegations were made by the appellants that the District Collector, The Nilgiris had acted arbitrarily in sealing their resorts after rejecting the documents submitted by the appellant, the District Collector went beyond the scope of the directions, wherein, immediate removal of electric fences and barbed wires was directed. It was also alleged that non-electric fences as well as



fences beyond the notified elephant corridor area were removed by the District Collector.

8. Thus, the Hon'ble Supreme Court appointed a 3-member Inquiry Committee to decide the individual objections of persons claiming to be aggrieved by the actions of the District Collector, The Niligiris pursuant to the G.O.Ms.No.125 and as recorded before the Hon'ble Supreme Court through the District Collector's plan of action report and twin action taken reports. Accordingly, the above Civil Appeals were disposed of on 14.10.2020.

9. In pursuance to the above judgment, the Inquiry Committee invited objections from the persons aggrieved by the actions of the District Collector, The Niligiris through a public notice calling for objections. Therefore, the petitioners had filed their objections before the Segur Plateau Elephant Corridor Inquiry Committee, however, it is their grievance that the Inquiry Committee has not considered their objections and dismissed their cases.

10. Therefore, the petitioners challenging the order of the Inquiry Committee have filed these writ petitions. As this Court had entertained a doubt as to the maintainability of these writ petitions directed the parties to get clarifications from

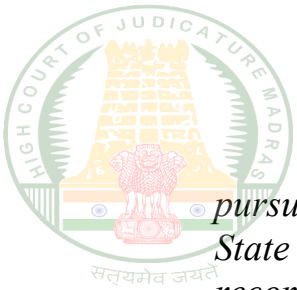


the Hon'ble Supreme Court, the appellants therein filed MA.Nos.2108 – 2109 of 2024 seeking for clarifications in Civil Appeal Nos. 3438 – 3439 of 2020, wherein, the Hon'ble Supreme Court vide order 20.12.2024 has held as follows:

"The findings recorded in paragraphs no. 33 to 41 of the judgment dated 14.10.2020 in Civil Appeal Nos. 3438-3439/2020, including on the question of the elephant corridor, have attained finality and will not be re-examined. The High Court may, however, examine the questions which were to be considered and examined by the Inquiry Committee, in terms of paragraphs no. 42, 43 and 44 of the said judgment. The High Court will be at liberty to examine as to whether the Inquiry Committee has gone beyond its remit. However, we clarify that by examining the question of scope or the remit of the Inquiry Committee, the findings recorded by this Court, including findings on issues and contentions which could have been raised but were not raised by any of the parties, will not be examined or decided by the High Court. It will be open to the parties to request the High Court for expeditious disposal of the pending writ petitions. Recording the aforesaid, the miscellaneous applications are disposed of."

11. It is also relevant to extract paragraphs 42, 43 and 44 of the judgment of the Hon'ble Supreme Court in Civil Appeal Nos.3438-3439 of 2020, which reads as follows:

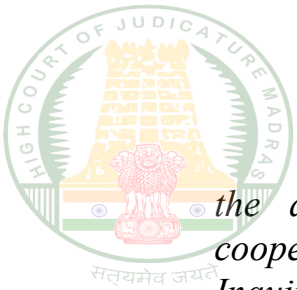
" 42. This brings us to the last limb of the submissions of the appellants, which is comprised of factual objections to the acreage of the elephant corridor as notified by the impugned G.O. and the actions taken by the District Collector, The Nilgiris in pursuance thereof. The appellants have contended that there has been substantial variance between the acreage recommended for acquisition by the Expert Committee Report and the acreage in the impugned G.O. It is further alleged that the acreage in the newspaper advertisement by the State Government inviting objections to notification of the corridor is also different from the acreage in the impugned G.O. As all the objections received



pursuant to the said newspaper advertisement were rejected by the State Government and since the impugned G.O. purported to adopt the recommendations of the Expert Committee, the appellants allege that the said variance in acreage is arbitrary and unreasonable. It has also been alleged that the District Collector, The Nilgiris has acted arbitrarily in sealing their resorts after rejecting the documents submitted by the appellant resorts purporting to show approvals and title. Similarly, it has been alleged that the District Collector went beyond the scope of this Court's order dated 24.12.2018 wherein immediate removal of electric fences and barbed wire was directed. It is the appellants' case that non-electric fences as well as fences beyond the notified elephant corridor area were removed by the District Collector. We are of the view that it is just and proper to hold an inquiry to establish the veracity of the above factual objections of the appellants.

43. Therefore, we appoint a 3-member Inquiry Committee consisting of: (i) Hon'ble Mr. Justice K. Venkatraman, Former Judge of the Madras High Court (Chairman); (ii) Mr. Ajay Desai, Consultant to World Wide Fund for Nature-India and Member of the Technical Committee to come up with a National Elephant Action Plan (NEAP), constituted by the Union Ministry of Environment, Forest and Climate Change (MOEF&CC); and (iii) Mr. Praveen Bhargava, Trustee of Wildlife First and Former Member of National Board for Wildlife to decide the individual objections of the appellants and any other persons claiming to be aggrieved by the actions of the District Collector, The Nilgiris pursuant to the impugned G.O. and as recorded before us through her Plan of Action Report and her twin Action Taken Reports, as also the allegations regarding arbitrary variance in acreage of the elephant corridor under the impugned G.O. The State Government is directed to consult the Chairman of the Inquiry Committee and pay remuneration to him and the other Members of the Inquiry Committee. Further, we direct the State Government to provide appropriate secretarial assistance and logistical support to the Inquiry Committee for holding the inquiry within four weeks from today.

44. We leave it to the discretion of the Inquiry Committee to decide the location for its inquiry proceedings. We also authorize the Inquiry Committee to appoint requisite staff on temporary basis to assist the Committee in the inquiry and to fix their salaries. The State Government is directed to pay their salaries. The State Government and



the district level authorities are directed to provide their full cooperation and produce any and all files/documents required by the Inquiry Committee to address the grievances of the appellants and any other persons claiming to be similarly aggrieved. The appellants and other persons claiming to be aggrieved by the plan of action/actions of the District Collector, The Niligiris pursuant to the impugned G.O. and the allegations regarding variance in acreage under the impugned G.O, are permitted to file objections containing their grievances before the Inquiry Committee within a period of four months from today. The Inquiry Committee is directed to consider the objections filed before it and pass appropriate orders thereon after granting the parties a reasonable opportunity of being heard. The parties are also permitted to file documents in support of their respective contentions before the Inquiry Committee".

12. In compliance with the directions of the Hon'ble Supreme Court, these writ petitions are clubbed together, heard and disposed of by way of this common order. For the sake of clarity, the facts of the individual writ petitions and grounds of rejection of their claim by the Inquiry Committee are set out hereunder:

FACTS

W.P.No.26182 of 2023

It is the case of the petitioner that the subject property is purchased by his mother and the revenue records were mutated in her favour. Approval for construction of building was granted by the Executive Officer, Sholur Panchayat. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed. Before the Inquiry committee, the petitioner filed his objection on 19.08.2023 stating that his survey number No.114/1 was not included in



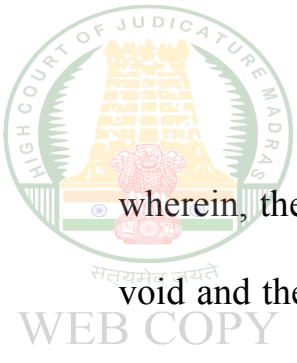
W.P.Nos.26182 of 2023 etc., batch cases

G.O.Ms.No.125 dated 31.08.2010 and the petitioner is operating the premises exclusively for residential purposes, the second respondent without considering the fact that the petitioner's property is not notified in the corridor and the relevant materials has held that boundary description as contained in the notification will prevail, irrespective of whether a survey number is indicated or not. The petitioner has not obtained permission under Section 2 of the Forest Conservation Act and declared the sale as null and void. Further, held that the petitioner was operating a commercial resort and dismissed the case of the petitioner. Challenging the said order, the present writ petition.

W.P.No.28995 of 2024

It is the case of the petitioner that the subject property is purchased by M/s.Vijayalakshmi Rajasekhar and brought into the stock of the registered partnership firm Templars and revenue records were mutated in their favour. Taxes, duties, charges and fees were being paid regularly to the statutory authorities. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed on 12.08.2018.

The petitioner before the Inquiry Committee filed an objection on 14.10.2020,



wherein, the Inquiry Committee declared the title deeds of the petitioner as null and void and the survey number is notified in the G.O.Ms.No.125 dated 31.08.2010; the property is used for commercial purpose and the buildings are constructed without any approval from the appropriate authority. Challenging the said order, the present writ petition.

W.P.No.35966 of 2024

It is the case of the petitioner that the subject property is purchased by his father and the revenue records were mutated in his favour. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed. Before the Inquiry committee, the petitioner filed his objection stating that his farm house is actually a residential property and not an unauthorized construction. The above land was purchased even before the notification of G.O.Ms.No.125 dated 31.08.2010.

The second respondent without considering the fact that the petitioner's property is a residential premises has held that as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void and the subject land is notified in the corridor; further the land falls within the elephant



corridor and the building has been constructed without obtaining the requisite permission, however, granted liberty to the petitioner to obtain permission under Section 3(1)(a)(b) of TNPPF Act and file a fresh affidavit accepting all the condition insisted upon the District Collector and disposed of the objection. Challenging the said order, the present writ petition.

W.P.No.33012 of 2024

It is the case of the petitioner that the subject property is purchased by his father and revenue records were mutated in his favour. After the death of the petitioner's father, the petitioner is using the property for his residential purposes. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed. Before the Inquiry committee, the petitioner filed his objection stating that his farm house is actually a residential property and not an unauthorised construction. The above land was purchased even before the notification of G.O.Ms.No.125 dated 31.08.2010.

The second respondent without considering the fact that the petitioner's property is a residential premises has held that as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void; the subject land is notified in the corridor and the building has been constructed without



W.P.Nos.26182 of 2023 etc., batch cases

obtaining approval from the appropriate authority. Challenging the said order, the present writ petition.

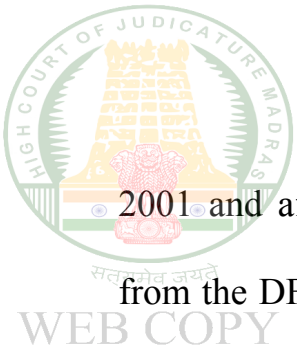
W.P.No.28949 of 2024

It is the case of the petitioner that the subject property is purchased by his father and revenue records were mutated in his favour. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed. Before the Inquiry committee, the petitioner filed his objection stating that his farm house is actually a residential property and not an unauthorised construction. The above land was purchased even before the notification of G.O.Ms.No.125 dated 31.08.2010.

The second respondent without considering the fact that the petitioner's property is a residential premises has held that as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void and the subject land is notified in the corridor. Thereafter, the fourth respondent has issued a demolition order. Challenging the demolition order, the present writ petition.

W.P.No.2667 of 2024

It is the case of the petitioner that the subject property is purchased in the year



2001 and after obtaining building license from the Executive Authority and NOC from the DFO had constructed a residential building. Thereafter, adjacent properties were purchased. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed. Before the Inquiry committee, the petitioner filed his objection stating that the petitioner has given letters to the respondent District Collector seeking removal of company name and permitting it to use it is a residential building. The above land was purchased even before the notification of G.O.Ms.No.125 dated 31.08.2010.

The second respondent without considering the fact that the petitioner's property is a residential premises has held that as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void and the subject land is notified in the corridor and also the building plan approvals are not in accordance with law. Challenging the order of the Inquiry Committee, the present writ petition has been filed.

W.P.No.4448 of 2024

It is the case of the petitioner that the subject property is purchased in the year 1994 and revenue records were mutated in his favour. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal



resorts/commercial establishments, the subject property was locked and sealed.

Before the Inquiry committee, the petitioner filed his objection on 08.02.2021 stating that his survey number was not included in G.O.Ms.No.125 dated 31.08.2010.

The second respondent without considering the fact that the petitioner's property is not notified in the corridor and the relevant materials has held that boundary description as contained in the notification will prevail, irrespective of whether a survey number is indicated or not. Further, held that petitioner was operating a commercial resort and the seal has been made lawfully after issuing a show cause notice. Further, the petitioner has not obtained permission as contemplated under the TNPPF Act, hence, as per Clause (b) of sub-section (1) of Section 3 of the TNPPF Act, the sale of the land shall be treated as null and void. Challenging the said order, the present writ petition.

W.P.No.7444 of 2024

It is the case of the petitioner that the subject property is purchased in the year 2005 and revenue records were mutated in his favour. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed. Before the Inquiry committee, the petitioner filed his objection on 08.02.2021 stating



that his survey number was not included in G.O.Ms.No.125 dated 31.08.2010.

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The second respondent without considering the fact that the petitioner's property is not notified in the corridor and the relevant materials has held that the boundary description as contained in the notification will prevail, irrespective of whether a survey number is indicated or not. Further, held that the petitioner was operating a commercial resort and the property has been sealed lawfully after issuing a show cause notice. Further, the petitioner has not obtained permission as contemplated under the TNPPF Act, hence, as per Clause (b) of sub-section (1) of Section 3 of the TNPPF Act, the sale of the land shall be treated as null and void. Challenging the said order, the present writ petition.

W.P.No.1492 of 2024

The petitioner purchased the property in the year 2000 and the petitioner was granted with pre-existing building license and the same was granted by the executive authority, Masinagudi. The property is a patta land consisting of three buildings in existence for almost 100 years and the petitioner's family are residing in the property for more than 150 years. The property is named as Wild Haven used for residential premises. Pursuant to the order of the Hon'ble Supreme Court directing



the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed. Before the Inquiry committee, the petitioner filed his objection on 09.02.2021 stating that the petitioner is a forest dweller as per the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and, therefore, he cannot be expropriated from the subject property.

However, the second respondent without considering the relevant materials has held that the boundary description as contained in the notification will prevail, irrespective of whether a survey number is indicated or not. The petitioner has not produced any permission from the Chairman of the Committee constituted under TNPPF Act and thus, held that as per Clause (b) of sub-section (1) of Section 3 of the TNPPF Act, the alienation/sale of the land shall be treated as null and void. The petitioner has not produced prior permission under Section 2 of the Forest Conservation Act, 1980. The petitioner was operating an unauthorised commercial resort using residential building permission. Challenging the said order, the present writ petition.

W.P.Nos.25371, 25395, 25398, 25405, 25412, 25414, 25457, 25464 of 2024 and 1652 of 2025

It is the case of the petitioners that the subject properties were purchased and

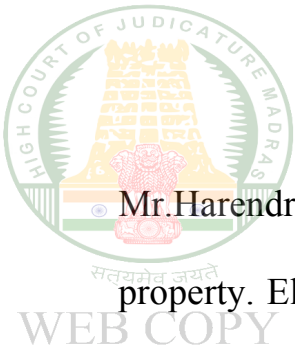


revenue records were mutated in their favour. Licenses were granted to the petitioners by the Panchayats. Taxes were remitted to the Government by the petitioners. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject properties were locked and sealed. Before the Inquiry committee, the petitioners filed their objection stating that the subject properties are actually residential properties and not commercial resorts. The above lands were purchased even before the notification of G.O.Ms.No.125 dated 31.08.2010.

The second respondent without considering the fact that the petitioners' properties are residential premises has held that as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void. Thereafter, the fourth respondent issued demolition orders. It is the contention of the writ petitioners that local body does not disclose any specific contraventions or violations, instead, they merely referred to the findings of the Inquiry Committee and issued the demolition orders. Challenging the demolition orders, the present writ petitions are filed.

W.P.No.9790 of 2025

It is the case of the petitioner that the subject property was purchased from one



Mr.Harendra Kumar D'Silva and obtained approval for building a residential property. Electricity bills have been paid for normal residential consumption. There is no resort running in the schedule property. Pursuant to the order of the Hon'ble Supreme Court directing the first respondent to lock and seal resorts/commercial establishments, the subject properties were locked and sealed. Before the Inquiry committee, the petitioners filed their objection stating that another property in the vicinity, i.e., property bearing D.No.9/496 and S.No.399/4A1 owned by Mr.Alok Gupta was added in the plan of action, however, vide order dated 24.08.2015, the same was rectified on the ground that electricity bills had low consumption charges. However, the petitioner's property was not de-sealed.

The Inquiry Committee held that as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void and dismissed. Thereafter, the third respondent issued a demolition order dated 16.08.2024. Challenging the same, the present writ petition is filed.

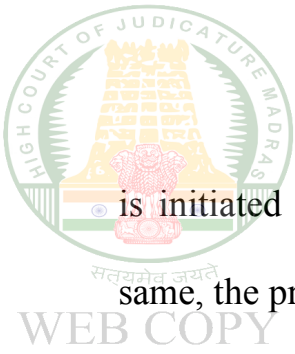
W.P.No.33129 of 2023

It is the case of the petitioner that the petitioner is the absolute owner of the subject property by virtue of a sale agreement dated 21.10.2016 and since then the petitioner is in possession of the same. Building plan was approved by the



Masinagudi Village Panchayat in 2007 and the schedule property is used for residential purposes only. Electricity bills have been paid for normal residential consumption. There is no resort functioning in the schedule property. Pursuant to the order of the Hon'ble Supreme Court directing the first respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed. Before the Inquiry committee, the petitioner filed their objection stating that another property in the vicinity, i.e., property bearing D.No.9/496 and S.No.399/4A1 owned by Mr.Alok Gupta was added in the plan of action, however, vide order dated 24.08.2015, the same was rectified on the ground that electricity bills had low consumption charges.

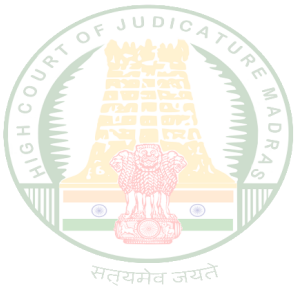
However, the petitioner's property was not de-sealed and the Inquiry Committee held that as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void; construction was put up in violation of the Town and Country Planning Act, 1971, Tamil Nadu Panchayats Building Rules, 1997; the lands of the objector falls within the elephant corridor and further, the entire set up with the buildings were created by a corporate entity viz., Jamadagni Investments and Finance Pvt. Ltd not for bonafide residential purpose for use of a guest house for commercial purpose; however granted an opportunity to the petitioner to collect all the materials and transport it out of the property before action



is initiated as per the findings arrived by the Inquiry Committee. Challenging the same, the present writ petition is filed.

W.P.No.8326 of 2024

It is the case of the writ petitioner that the petitioner is the absolute owner of the property by virtue of sale deed dated 21.02.2005, wherein, the petitioner has built a small residential cottage. The schedule property is used for residential purposes only. The buildings have been assessed to house tax not to GST or luxury tax. Electricity bills have been paid for normal residential consumption. There is no resort running in the schedule property. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject properties were locked and sealed. Before the Inquiry committee, the petitioner filed his objection stating that the name of the owner of the property was shown as M/s.Shilwa and Cherian incorrectly and the nature of the property is residence and not a resort, house tax receipt, electricity bills, permissions etc., were filed. In the meanwhile, the petitioner had filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act was allowed by the Principal Secretary of the Housing and Urban Development Department holding that the classification of the building is for residential purpose. However, the petitioner's property was not desealed.



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The Inquiry Committee held that as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void and the land is required to be treated as forest and it is within the elephant corridor. Challenging the same and for a direction to the third respondent to desal the premises of the petitioner, the present writ petition is filed.

W.P.No.24928 of 2024

It is the case of the writ petitioner that the petitioner is the absolute owner of the subject property, wherein, the petitioner has built a small residential cottage. The schedule property is used for residential purposes only. The buildings have been assessed to house tax not GST or luxury tax. Electricity bills have been paid for normal residential consumption. There is no resort running in the schedule property. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject properties were locked and sealed. Before the Inquiry committee, the petitioner filed his objection stating that the name of the owner of the property was shown as M/s.Shilwa and Cherian incorrectly and the nature of the property is residence and not a resort, house tax receipt, electricity bills, permissions etc., were filed. In the meanwhile, the petitioner



W.P.Nos.26182 of 2023 etc., batch cases

had filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act was allowed by the Principal Secretary of the Housing and Urban Development Department holding that the classification of the building is for residential purpose. However, the petitioner's property was not desealed.

The Inquiry Committee held that as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void and the land is required to be treated as forest and it is within the elephant corridor. In this background, the fourth respondent has issued the impugned notice for demolition of the buildings in the subject property. Challenging the demolition order, the present writ petition has been filed.

W.P.No.23502 of 2024

It is the case of the writ petitioner that the petitioner and her husband purchased the schedule property vide sale deeds dated 16.05.1983 and 24.04.2000. The petitioner is in possession of freehold ryotwari patta lands and the titles are deemed to be in order, even though the lands are notified under the TNPPF Act vide notification dated 15.11.1911. The petitioner is a founding member of the Hospitality Association of Mudumalai and has preferred a writ petition in WP.No.27312 of 2016 challenging the validity of notification dated 01.11.1991

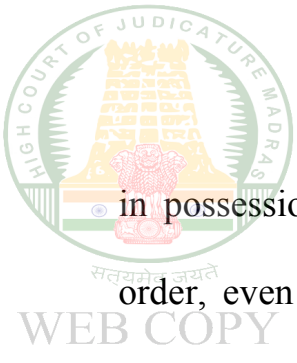


issued under the TNPPF Act. Pursuant to the order of the Hon'ble Supreme Court directing the first respondent to lock and seal resorts/commercial establishments, the subject properties were locked and sealed. Before the Inquiry Committee, the petitioner filed his objection.

The Inquiry Committee held that the petitioner has not obtained permission from the Committee constituted under TNPPF Act, 1949 to sell or alienate or transfer the said lands, thus, as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void. The petitioner has not produced prior permission under Section 2 of the Forest Conservation Act, 1980. Challenging the same, the present writ petition on various other grounds including the Inquiry Committee has failed to consider the issue of acreage on the relevant facts and issues and further, the even in the case of land being notified as private forests, the rights preserved under the TNPPF Act would have to be harmonised with the deemed provisions of the Conservation of Forest Act.

W.P.No.23536 of 2024

It is the case of the writ petitioner that his father had purchased the schedule property vide sale deeds dated 03.07.1982, 26.08.1996, and his mother purchased the schedule properties vide sale deeds dated 13.11.1984, 08.02.1985. The petitioner is



in possession of freehold ryotwari patta lands and the titles are deemed to be in order, even though the lands are notified under the TNPPF Act vide notification dated 15.11.1911. The petitioner is a founding member of the Hospitality Association of Mudumalai and has preferred a writ petition in WP.No.27312 of 2016 challenging the validity of the notification dated 01.11.1991 issued under the TNPPF Act. Pursuant to the order of the Hon'ble Supreme Court directing the first respondent to lock and seal resorts/commercial establishments, the subject properties were locked and sealed. Before the Inquiry Committee, the petitioner filed his objection.

The Inquiry Committee held that the with regard to the 1 acre of land purchased in the year 1996, the petitioner has not obtained permission from the Committee constituted under the TNPPF Act, 1949 to sell or alienate or transfer the said lands, thus, as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void, however, other properties to an extent of 17.23 acres of land were held as in lawful possession. The petitioner has not produced prior permission under Section 2 of the Forest Conservation Act, 1980. Challenging the same, the present writ petition on various other grounds including the Inquiry Committee has failed to consider the issue of acreage on the relevant facts and issues and further, the even in the case of land being notified as private



forests, the rights preserved under the TNPPF Act would have to be harmonised with the deemed provisions of the Conservation of Forest Act.

W.P.No.28505 of 2024

It is the case of the writ petitioner that the petitioner has purchased the subject property vide sale deed dated 18.01.2012 after obtaining the permission from the Committee headed by the District Collector under the TNPPF Act. The subject property is utilised for residential purpose and for the medical treatment of tribal people and no commercial activity is undertaken in the said place. The subject property does not come under the notified elephant corridor. Pursuant to the order of the Hon'ble Supreme Court directing the District Collector, The Nilgiris to lock and seal resorts/commercial establishments, the subject property was locked and sealed. Before the Inquiry Committee, the petitioner filed its objection stating that the electricity connection was changed from commercial to residential and no resort is functioning and further, the property does not come under the elephant corridor. Also stated that another property in the vicinity, i.e., property bearing D.No.9/496 and S.No.399/4A1 owned by Mr.Alok Gupta was added in the plan of action, however, vide order dated 24.08.2015, the same was rectified on the ground that electricity bills had low consumption charges. However, the petitioner's property was not desealed.



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The Inquiry Committee held that no permission was obtained for putting up constructions under the TNPPF Act and the building is a full fledged resort. Further, the land situated within the Northern and Southern boundary as specified in Annexure II and listed at S.No.6 in the Sholur Village list in Annexure III of G.O.Ms.No.125 dated 31.08.2010. Thereafter, the Sholur Town Panchayat has issued demolition order dated 16.08.2024. Challenging the same, the present writ petition is filed.

W.P.No.1777 of 2024

It is the case of the petitioner that the subject property was purchased by the petitioner vide sale deeds dated 31.07.1996 and 22.11.1996 and revenue records were mutated in their favour. Building approvals were granted by the Sholur Panchayat and taxes were being paid regularly by the petitioner. The petitioner's property is not mentioned in the G.O.Ms.No.125 dated 31.08.2010 notifying the elephant corridor. The petitioner filed suit in O.S.No.9 of 2012 before the District Munsif, Udhagamandalam for a permanent injunction restraining the District Collector and the Tahsildar from interfering with the possession of the subject property and the suit was decreed on 06.01.2015 and the same has attained finality. While things stood thus, pursuant to the order of the Hon'ble Supreme Court



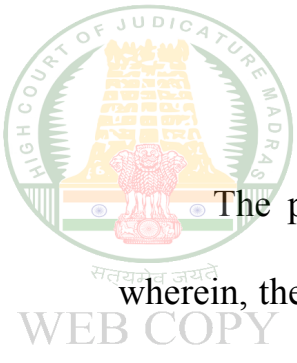
W.P.Nos.26182 of 2023 etc., batch cases

directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed.

The petitioner before the Inquiry committee filed objection on 14.10.2020, wherein, the Inquiry Committee declared the title deeds of the petitioner as null and void as the petitioner has not obtained prior permission as contemplated under Section 2A of the TNPPF Act, 1949 and the survey number is notified in the G.O.Ms.No.125 dated 31.08.2010. Challenging the same, the writ petition.

W.P.No.1945 of 2024

It is the case of the petitioner that the subject property was purchased by the petitioner vide sale deed dated 18.08.1997 and revenue records were mutated in their favour. Building approvals were granted by the Sholur Panchayat and taxes were being paid regularly by the petitioner. The petitioner's property is not mentioned in the G.O.Ms.No.125 dated 31.08.2010 notifying the elephant corridor. While things stood thus, pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed.



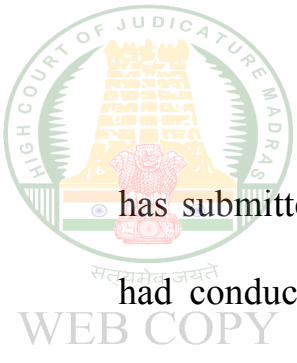
W.P.Nos.26182 of 2023 etc., batch cases

The petitioner before the Inquiry committee filed objection on 09.02.2021, wherein, the Inquiry Committee held that the subject property is a resort and there is a deviation of over 800% against the approval plan and declared the title deeds of the petitioner as null and void as the petitioner has not obtained prior permission as contemplated under Section 2A of the TNPPF Act, 1949 and the survey number is notified in the G.O.Ms.No.125 dated 31.08.2010. However, not sealed the building with Door No.4/28F since the same was being used as residential premises and lawfully locked and sealed the premises on the directions of the Hon'ble Supreme Court of India. Challenging the said order, the present writ petition.

W.P.No.12687 of 2024

It is the case of the petitioner that the subject property was purchased by the petitioner vide sale deed dated 30.03.2009 and revenue records were mutated in their favour and the petitioner was paying all the statutory and government fees without fail. The petitioner's property is used primarily for residential purpose by his family. While things stood thus, pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed.

It is the grievance of the writ petitioner that his vendor namely Mr.G.Ramesh

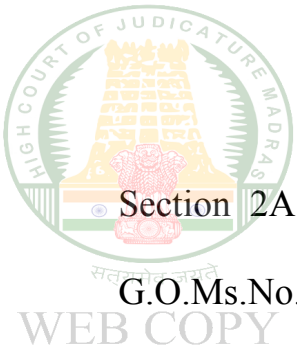


has submitted the representation in case No.65 of 2021 and the second respondent had conducted the investigation and passed the impugned order holding that the purchase of the land after 15.11.1991 is null and void. The vendor has suppressed the factum of purchase of 3.44 acres of land by the petitioner. It is his grievance that notice or proper Inquiry was not given to the petitioner and the Inquiry Committee has declared the sale as null and void. Only on 26.03.2024, he came to know about the order of the Inquiry Committee. Hence, this writ petition challenges the order of the Inquiry Committee.

W.P.No.2815 of 2024

It is the case of the petitioners that the subject property was purchased by the petitioners vide sale deed dated 25.02.2009 and revenue records were mutated in their favour. Taxes were being paid regularly by the petitioners and used for residential purposes. Building approval was granted to the petitioner by the Masinagudi Panchayat. Pursuant to the order of the Hon'ble Supreme Court in the constitution of the Inquiry Committee for the purpose of finding out the veracity of the factual objections of individual objectors, the petitioners filed their objection.

The Inquiry Committee declared the title deeds of the petitioner as null and void as the petitioner has not obtained prior permission as contemplated under



Section 2A of the TNPPF Act, 1949 and the survey number is notified in the G.O.Ms.No.125 dated 31.08.2010. However, it was held that the land is used for agricultural purposes and with respect to the old building being used for residential purposes, granted liberty to the petitioner to obtain permission under Section 3(1)(a)(b) of TNPPF Act and file a affidavit accepting all the conditions insisted upon the District Collector and disposed of the objection. Challenging the said order, the present writ petition. Challenging the same, the writ petition.

W.P.No.1637 of 2024

It is the case of the petitioner that the subject property was purchased by the petitioner's father vide sale deed dated 10.02.1986 and thereafter, property devolved to the petitioner and the revenue records were mutated in his favour. Building approvals were granted by the Sholur Panchayat and taxes were being paid regularly by the petitioner. The petitioner's property is used primarily for residential purpose by his family. While things stood thus, pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed.

The petitioner before the Inquiry committee filed objection on 14.10.2020, wherein, the Inquiry Committee held that as the sale transaction is prior to the



notification dated 15.11.1991, the petitioner is in lawful possession of the said lands and the survey number in S.Nos.163 and 173 have been included in the elephant corridor vide notification in G.O.Ms.No.125 dated 31.08.2010. The petitioner has not produced prior permission under Section 2 of the Forest Conservation Act, 1980. Further, the building is used as a guest house for commercial purposes and the same has been lawfully locked and sealed after issuing a show cause notice dated 10.08.2018. Challenging the same, the writ petition.

W.P.No.6779 of 2024

It is the case of the petitioner that the subject property was purchased vide sale deed dated 23.02.1990 and revenue records were mutated in her favour. Electricity bills and taxes were being paid regularly by the petitioner. The petitioner's property is used primarily for residential purpose by her family and she is residing with her grandson. Pursuant to the order of the Hon'ble Supreme Court in constitution of Inquiry Committee for the purpose of finding out the veracity of the factual objections of individuals objectors, the petitioner filed her objection.

The Inquiry Committee has held that as the sale transaction is prior to the notification dated 15.11.1991, the petitioner is in lawful possession of the said lands, however, the survey number is notified in the G.O.Ms.No.125 dated 31.08.2010.



Further, the subject property was used as commercial resorts and no permission was granted by the competent authority for construction of guest house has violated the provisions under Section 2 of the Forest (Conservation) Act, 1980, however, the petitioner's dwelling housing was not sealed and has full access to the land. Challenging the same, the writ petition.

W.P.No.3941 of 2024

It is the case of the petitioner that the subject property was purchased vide sale deed dated 17.07.1996 and revenue records were mutated in her favour. Electricity bills and taxes were being paid regularly by the petitioner. The petitioner's property is not mentioned in the G.O.Ms.No.125 dated 31.08.2010 notifying the elephant corridor. The petitioner filed suit in O.S.No.9 of 2012 before the District Munsif, Udthagamandalam and the suit was decreed on 06.01.2015 and the same has attained finality. While things stood thus, pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed.

The petitioner before the Inquiry committee filed an objection on 14.10.2021, wherein, the Inquiry Committee declared the title deeds of the petitioner as null and void as the petitioner has not obtained prior permission as contemplated under Section 2A of the TNPPF Act, 1949 and the survey number is notified in the



W.P.Nos.26182 of 2023 etc., batch cases

G.O.Ms.No.125 dated 31.08.2010. Challenging the same, the writ petition.

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W.P.Nos.23521 and 23526 of 2024

It is the case of the petitioner that she is the absolute owner of the subject properties/ryotwari patta lands by virtue of sale deeds between 2006 and 2008. She and her spouse started a homestay/resort under the name and style of De-Rock jungle after obtaining the necessary permissions. The petitioner is a founding member of the Hospitality Association of Mudumalai and has preferred a writ petition in WP.No.27312 of 2016 challenging the validity of the notification dated 01.11.1991 issued under TNPPF Act. Pursuant to the order of the Hon'ble Supreme Court directing the District Collector, The Niligiris to lock and seal resorts/commercial establishments, the subject properties were locked and sealed. Before the Inquiry Committee, the petitioner filed her objection.

The Inquiry Committee held that the petitioner has not obtained permission from the Committee constituted under TNPPF Act, 1949 to sell or alienate or transfer the said lands, thus, as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void. The petitioner has not produced prior permission under Section 2 of the Forest Conservation Act, 1980. Challenging the same, the present writ petitions have been filed.



W.P.Nos.26182 of 2023 etc., batch cases

W.P.No.28073 of 2024

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It is the case of the petitioner that he is the absolute owner of the subject properties/ryotwari patta lands by virtue of sale deed of the year 2003 and had started a homestay/resort under name and style of M/s.Bear Mountain Jungle Resort Pvt. Ltd after obtaining necessary permissions. Pursuant to the order of the Hon'ble Supreme Court directing the District Collector, The Niligiris to lock and seal resorts/commercial establishments, the subject property was locked and sealed. Before the Inquiry Committee, the petitioner filed her objection.

The Inquiry Committee held that the petitioner has not obtained permission from the Committee constituted under the TNPPF Act, 1949 to sell or alienate or transfer the said lands, thus, as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void. The petitioner has not produced prior permission under Section 2 of the Forest Conservation Act, 1980. Further, the buildings were used unauthorizedly for running a commercial resort. Thereafter, the Executive Authority has issued demolition notice. Challenging the same, the present writ petition is filed.

W.P.No.27450 of 2024



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It is the case of the petitioner that she along with her husband purchased the subject lands in the year 2006 and had started a homestay/resort under the name and style of M/s.Hornbill Club Resort after obtaining necessary permissions. Pursuant to the order of the Hon'ble Supreme Court directing the District Collector, The Nilgiris to lock and seal resorts/commercial establishments, the subject property was locked and sealed. Before the Inquiry Committee, the petitioner filed her objection.

The Inquiry Committee held that the petitioner has not obtained permission from the Committee constituted under TNPPF Act, 1949 to sell or alienate or transfer the said lands, thus, as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void. The petitioner has not produced prior permission under Section 2 of the Forest Conservation Act, 1980. Further, the buildings were used unauthorisedly for running a commercial resort and also there is a deviation of over 115% against the approval plan. The subject properties falls within the notified elephant corridor. Thereafter, the Executive Authority has issued demolition notice dated 16.08.2024. Challenging the same, the present writ petition is filed.

W.P.No.23528 of 2024

It is the case of the petitioner that her husband had purchased the subject



properties/ryotwari patta lands by virtue of a sale deed dated 13.04.2006. He started a homestay/resort under the name and style of Rolling Stones Resort after obtaining the necessary permissions. The petitioner is a founding member of the Hospitality Association of Mudumalai and has preferred a writ petition in WP.No.27312 of 2016 challenging the validity of notification dated 01.11.1991 issued under TNPPF Act. Pursuant to the order of the Hon'ble Supreme Court directing the District Collector, The Nilgiris to lock and seal resorts/commercial establishments, the subject properties were locked and sealed. Before the Inquiry Committee, the petitioner filed her objection.

The Inquiry Committee held that the petitioner has not obtained permission from the Committee constituted under TNPPF Act, 1949 to sell or alienate or transfer the said lands, thus, as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void. The petitioner has not produced prior permission under Section 2 of the Forest Conservation Act, 1980. The subject property is located within the elephant corridor and the survey number is included in the notification and there is deviation in the built up area. Thereafter, the fifth respondent has issued demolition notice as against the petitioner. Challenging the same, the present writ petition has been filed.

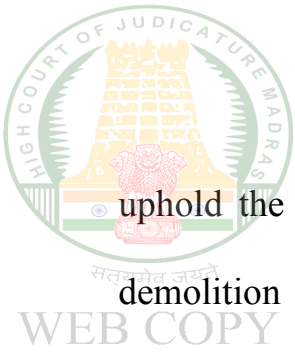
W.P.No.34953, 34956, 34960, 34964 and 34969 of 2024



It is the case of the writ petitioners that they along with others had jointly purchased their respective subject properties between the years 2000 and 2006.

Revenue records were mutated in their names and building approvals were granted to the petitioners. Property taxes and Electricity bills were regularly being paid. Pursuant to the order of the Hon'ble Supreme Court directing the District Collector, The Nilgiris to lock and seal resorts/commercial establishments, the subject properties of the respective petitioners were locked and sealed. Before the Inquiry Committee, the petitioners filed their objection on various grounds, i.e., their lands does not fall within the elephant corridor, they are not running a resort and the property is being used for residential purposes.

The Inquiry Committee held that the petitioners have not obtained permission from the Committee constituted under TNPPF Act, 1949 to sell or alienate or transfer the said lands, thus, as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void and the petitioners are utilising the lands for the purposes of running commercial resorts. The petitioners have not produced prior permission under Section 2 of the Forest Conservation Act, 1980. Further, their lands fall within the Northern and Southern boundaries within the notified elephant corridor in G.O.Ms.No.125 dated 31.08.2010 and further, the building approvals are not in accordance with law and are not legally valid and

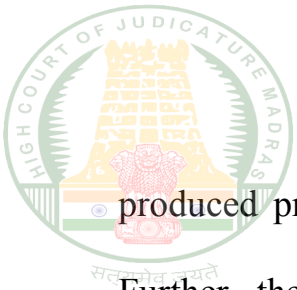


uphold the sealing of their premises. Thereafter, the Executive Officer has issued demolition orders as against the respective petitioners. Challenging the order in objections as well as the demolition order, the present writ petitions are filed.

W.P.Nos.23499 and 23532 of 2024

It is the case of the writ petitioner in both the writ petitioner that the petitioners had purchased the subject properties between the year 1995 to 2005. The petitioners are in possession of freehold ryotwari patta lands and the titles are deemed to be in order, even though the lands are notified under TNPPF Act vide notification dated 15.11.1911. The petitioners are founding member of the Hospitality Association of Mudumalai and have preferred a writ petition in WP.No.27312 of 2016 challenging the validity of notification dated 01.11.1991 issued under TNPPF Act. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject properties were locked and sealed. Before the Inquiry Committee, the petitioners filed their objection.

The Inquiry Committee held that the petitioner has not obtained permission from the Committee constituted under TNPPF Act, 1949 to sell or alienate or transfer the said lands, thus, as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void. The petitioner has not



produced prior permission under Section 2 of the Forest Conservation Act, 1980.

Further, their lands fall within the notified elephant corridor in G.O.Ms.No.125 dated 31.08.2010 and upheld the sealing of their premises. Challenging the same, the present writ petitions are filed.

W.P.No.18143 of 2025

It is the case of the petitioner that the subject property was purchased by the petitioner vide sale deed dated 30.03.2009 and revenue records were mutated in their favour. Building approvals were granted by the Masinagudi Panchayat and taxes were being paid regularly by the petitioner. The petitioner's property is used primarily for residential purpose by his family. While things stood thus, pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed. It is the grievance of the writ petitioner that his vendor namely Mr.G.Ramesh has submitted the representation in case No.65 of 2021 and the second respondent had conducted the investigation and passed the imugned order holding that the purchase of the land after 15.11.1991 is null and void. The vendor has suppressed the factum of purchase of 3.44 acres of land by the petitioner.

It is his grievance that notice or proper Inquiry was not given to the petitioner



and the Inquiry Committee has declared the sale as null and void. Only on 26.03.2024, he came to know about the order of the Inquiry Committee. Therefore, he filed a writ petition challenging the order of the Inquiry Committee in WP.No.12687 of 2024. During the pendency of the said writ petition, the fourth respondent has now issued the impugned demolition order dated 21.04.2025. Challenging the demolition order, the present writ petition has been filed.

W.P.No.22933 of 2024

It is the case of the petitioners that the subject property, i.e., Old S.No.235/1, New S.No.247/5 was purchased by the petitioners from Adam Said during the year 2005 and the petitioners are the absolute owners of the properties. The revenue records were mutated in his favour and the petitioners are cultivating coffee in the subject land and panchayat approval has been granted to the petitioner for the building. Pursuant to the order of the Hon'ble Supreme Court in constitution of Inquiry Committee for the purpose of finding out the veracity of the factual objections of individual objectors, the petitioners filed their objection. It is the grievance of the petitioner that properties do not situate within the elephant corridor.

The Inquiry Committee declared that the sale deeds in favour of the petitioners cannot be said to be invalid as they have obtained permission from the concerned



authority; however the survey number is notified in the public notice dated 01.01.2010 and also the buildings have been constructed illegally, therefore, the same requires to be sealed excluding the portions being legitimately used for residential purposes. Challenging the sealing order passed by the Inquiry Committee, the present writ petition.

WP.No.23478 of 2025

It is the case of the writ petitioners that they are the absolute owners of the subject properties which were purchased by one Nathmall Vaid during the year 1939 and coffee plantation is running over for more than 300 years. It is their grievance that the petitioners land were included in the GO.Ms.No.125 dated 31.08.2010 despite their lands being situated outside the elephant corridor. Further, the Tahsildar as well as the RDO had confirmed that their survey numbers do not locate inside the elephant corridor and recommended for exclusion of survey numbers. Thereafter, writ petitions were filed and this Court disposed of the writ petition directing the District Collector, The Niligiris. The District Collector, The Niligiris submitted a report dated 29.12.2014 to the first respondent recommending that their properties may be excluded from Elephant Corridor notification, however, the first respondent rejected the request of the petitioner. Hence, a writ petition was filed in WP.No.29610 of 2018, this Court dismissed the writ petition and held that the



competent authority to pass orders is the first respondent. An appeal was filed in W.A.No.29610 of 2018 and the same was disposed of with an observation that the appellant shall seek remedy without prejudice to the proceedings undergone before this Court. Pursuant to the order of the Hon'ble Supreme Court in constitution of Inquiry Committee for the purpose of finding out the veracity of the factual objections of individual objectors, the petitioners filed their objection.

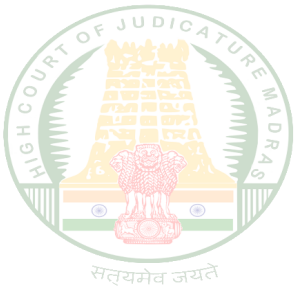
The Inquiry Committee held that since the issue concerning the exclusion of the survey numbers has been decided and settled, the same cannot be agitated. The Inquiry Committee has also conducted a field inspection. Further, the petitioners have were before the statutory authority as well as the Courts seeking similar relief, thus, they have hedged their legal bets in multiple fora parallel and the same is not acceptable. Further, with regard to the acreage is concerned, the same is not supported by any evidence. However, with respect to right to peaceful possession of the patta lands for plantation activities, as agreed by the respondents that they shall abide by the 12 conditions for their enjoyment of land subject to undertaking affidavit within a period of four weeks; if at all the petitioners do not file such affidavit, liberty was granted to the State Government to take action against the objectors in accordance with law. With respect to the other issues pertaining to other



properties, the same is outside the jurisdiction of Inquiry Committee and accordingly, disposed of the objections. Challenging the order, the present writ petition has been filed.

WP.No.25501 of 2025

It is the case of the petitioner that the subject property was purchased by the petitioner vide Doc.No.216 of 2006 on the file of the SRO, Udthagamandalam and revenue records were mutated in his favour, taxes have been paid regularly to the authorities concerned. The property is only used as their vacation home. Pursuant to the order of the Hon'ble Supreme Court directing the District Collector to lock and seal resorts/commercial establishments, the impugned order was passed by the District Collector for closing down the property of the petitioner and the property was locked and sealed. It is the grievance of the writ petitioner that the third respondent without application of mind has arrayed the petitioner's property as a commercial belonging to another person and the impugned notice is issued to the said person namely Mr.Rohan Mathias. Thereafter, the petitioner has filed objection with a petition for condonation of delay and the petitioner has not received any communication. Challenging the lock and seal order dated 12.08.2018 passed by the District Collector, The Niligiris, the present writ petition has been filed.



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W.P.No.27892 of 2025

It is the case of the petitioner that the petitioner along with his brother are the absolute owners of the subject property to an extent of 8.55 acres in RS.No.303/2 and they are in continuous possession and enjoyment for more than 100 years. While so, the petitioner had obtained permission for operation of restaurant in one of the buildings and started operation of the restaurant under the name and style of Glanton Inn Restaurant not as a commercial enterprise, but primarily to provide support and relief to travelers and stranded passengers on the Ghat Road. Thereafter, two cottages were built for their personal use and occupancy within the Glencairn Estate for the same, sanction and building approval were obtained from Hullathi Panchayat. Pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed on 12.08.2018. It is the grievance of the petitioner that the third respondent had misidentified the restaurant and passed the order. Pursuant to the order of the Hon'ble Supreme Court in constitution of Inquiry Committee for the purpose of finding out the veracity of the factual objections of individuals objectors, the petitioner filed the objection.

The Inquiry Committee by the impugned order held that the petitioner's land



falls within the elephant corridor; permission was obtained for personal use, whereas, was unauthorizedly using it as commercial resorts is a violation of Section 2 of the Forest (Conservation) Act, 1980 and directed that the petitioner may be allotted an opportunity to voluntarily dismantle the sealed buildings and transport all the materials out of the property before action is initiated as per the findings arrived by the Inquiry Committee.

W.P.No.29658 of 2025

It is the case of the petitioner that the subject property in Old S.Nos.238/7A and 238/7A1, New Survey Nos.392/1 and 392/5, Vazhaithottam Masinagudi was purchased by the petitioner on 16.06.1984 and revenue records were mutated in their favour. Building approvals were granted by the Masinagudi Panchayat and taxes were being paid regularly by the petitioner. The petitioner's property is used for residential purpose and also to enable a shelter to the Jain monks and other spiritual persons who travel on foot. While things stood thus, pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed on 26.08.2018. The petitioner has filed its objection before the Inquiry Committee. The Inquiry Committee has held that since the petitioner has purchased the property prior to the TNPPF Notification dated 15.11.1991, the petitioner is in lawful possession,



however, held that the lands are listed in Annexure III of G.O.Ms.No.125 dated 31.08.2010 and falls within in the elephant corridor; there are major deviation with an excess construction and usage violations since all approvals are for residential purposes and prior permission under Section 2 of the Forest (Conservation) Act, 1980 was not obtained and permitted the petitioner to use the portion of the building which has not been sealed and being used as a residence. In pursuance to the order of the Inquiry Committee, the Executive Officer/Masinagudi Panchayat has issued demolition order dated 23.11.2024. Challenging the said order, the present revision has been filed.

W.P.No.30075 of 2025

It is the case of the petitioner that the subject property in Old S.Nos.238/7A and 238/7A1, New Survey Nos.392/1 and 392/5, Vazhaithottam Masinagudi was purchased by the petitioner on 16.06.1984 and revenue records were mutated in their favour. Building approvals were granted by the Masinagudi Panchayat and taxes were being paid regularly by the petitioner. The petitioner's property is used for residential purpose and also to enable a shelter to the Jain monks and other spiritual persons who travel on foot. While things stood thus, pursuant to the order of the Hon'ble Supreme Court directing the third respondent to lock and seal resorts/commercial establishments, the subject property was locked and sealed on



26.08.2018. The petitioner has filed its objection before the Inquiry Committee. The

Inquiry Committee has held that since the petitioner has purchased the property prior to the TNPPF Notification dated 15.11.1991, the petitioner is in lawful possession, however, held that the lands are listed in Annexure III of G.O.Ms.No.125 dated 31.08.2010 and falls within in the elephant corridor; there are major deviation with an excess construction and usage violations since all approvals are for residential purposes and prior permission under Section 2 of the Forest (Conservation) Act, 1980 was not obtained and permitted the petitioner to use the portion of the building which has not been sealed and being used as a residence. Challenging the order of the Enquiry Committee, the present revision has been filed.

W.P.No.27924 of 2024

It is the case of the writ petitioner that the petitioner has purchased the subject properties in Sholur Village between the years 2001 and 2004 and revenue records were mutated in his favour. The petitioner has raised super structure for the residential purpose. A notification was issued under Section 1(2)(ii) of TNPPF Act on 15.11.1991 to prevent the indiscriminate destruction of private forest and interference with the customary prescriptive right. The provisions of statute under Section 3 contemplates upon the preservation of private forest and it demands the owner to not to deal with property without the previous sanction of the Committee. The properties of the petitioner was declared as private forest. It is the grievance of



the petitioner that the notification was passed without the knowledge of the owner of the property. The Government of Tamil Nadu had introduced Section 4-A of the TNPPF Act, 1949 under which the persons who had purchased the property without the sanction of the committee may apply afresh to retain the whole or any portion of the area declared as "forest". The committee is empowered to accord sanction. The committee can refuse only if any prosecution is instituted against the applicant who had violated under Section 7 of the TNPPF Act which deals with penalties. Hence, the petitioner filed an application under Section 4-A of the TNPPF Act, however, the petitioner had not subjected to any penalty at the instance of the respondent and the same was rejected on the ground that the survey numbers of the petitioner's land falls within the elephant corridor by way of the impugned proceedings dated 01.07.2024. It is the grievance of the writ petitioner that transfer of property cannot be interdicted by the respondents and the sale of the property does not require the sanction of the State, the object of the TNPPF Act is only to ensure that the private forest is not destroyed and the respondent cannot take up the role of annulling title in respect to the property. Challenging the proceedings of the respondent rejecting the application under Section 4A of the TNPPF Act, the present writ petition has been filed.

COUNTER

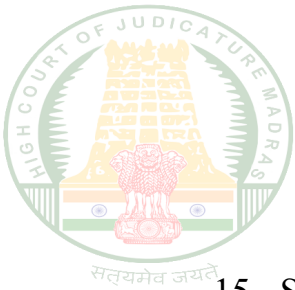
13. Even though separate counters have been filed in all the writ petitions, since, the contentions revolves around same subject matter, contentions culled out



from all the counters are briefed as below:-

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14. It is the contention of the District Collector/The Niligiris in all the writ petitions that based on the directions of the Hon'ble Supreme Court, a detailed plan of action report comprising the constructions made in the elephant corridor areas was identified and submitted before the Hon'ble Supreme Court on 05.08.2018. Thereafter, the Hon'ble Supreme Court vide order dated 09.08.2018 in W.P.(Civil).No.897 of 1996 directed the resorts to produce documents showing approval and valid title and possession for running resorts before the District Collector. In case, the District Collector finds that the approval is not granted, the Collector should close down and seal the premises immediately. Accordingly, prior notices were issued to the concerned 11 resorts' owners, except M/s.Alok Gupta, since he has produced valid documents to prove his usage as residential purposes, others have not produced documents and on verification of the documents, the petitioners' resorts were locked and sealed after giving due notice and time. Thereafter, the Hon'ble Supreme Court vide order dated 24.10.2018 directed that electric fences and barbed wire, wherever installed by the resort owners should be removed immediately. Accordingly, the subject premises were locked and sealed and the directions of the Hon'ble Supreme Court were strictly adhered to without any deviations.



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15. Subsequently, the Inquiry Committee was constituted by the Hon'ble Supreme Court to decide the individual objections aggrieved by the actions of the District Collector, The Nilgiris. The petitioners herein have filed their objections containing their grievances before the Hon'ble Inquiry Committee. The Hon'ble Inquiry Committee after hearing the petitioners at large and conducting physical inspection in the subject premises had passed the impugned order rightly rejecting the contentions of the petitioners that their premises is used only as residential premises, their premises does not situate in the elephant corridor by holding that boundary description as contained in the notification will prevail, irrespective of whether a survey number is indicated or not and as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void and further, permission ought to have obtained under TNPPF Act, 1949 to sell or alienate or transfer the said lands and Section 2 of the Forest Conservation Act, 1980. Thereafter, on the strength of the powers conferred upon the Executive Officer, Sholur Panchayat, the demolition order has been issued as against the subject lands.

16. It is the specific contention of the respondents that the some of the petitioners have challenged the notification issued in the year 1991, whereas, the petitioners knowing well that the lands are notified in elephant corridor has



purchased the property later without getting approval, hence, the Inquiry Committee has rightly held that the petitioners have not obtained permission from the Committee constituted under the TNPPF Act, 1949 to sell or alienate or transfer the said lands, thus, as per clause (b) of sub-section (1) of Section 3 of the TNPPF Act, alienation or sale of land is null and void. The petitioners concerned have also filed petition under Section 4-A for ratification of their title and the same are pending. Even getting residential permission from the local bodies and using it for commercial purposes is clear violation under Section 47-A of the Tamil Nadu Town and Country Planning Act and the petitioners are utilising the lands for the purposes of running commercial resorts without obtaining necessary permission under Architectural and Aesthetics Aspects Committee (AAA) and Hill Area Conservation Authority (HACA) Committee which are formed for regulation of building usage and to safeguard the ecology, therefore, the petitioners premises were locked and sealed.

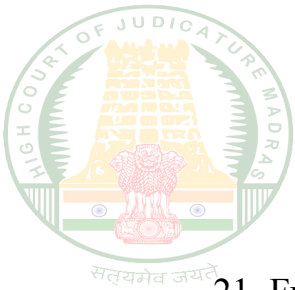
17. The petitioners have not obtained prior permission under Section 2 of the Forest Conservation Act, 1980 for carrying out any non-forestry activities in the lands notified as 'forest' irrespective of their ownership as per the judgment of the Hon'ble Supreme Court in the case of *T.N.Godavarman Thirumulkpad vs. Union of India and others* reported in AIR 1997 SC 1228.



18. Further, the contention that notification of the elephant corridor does not authorise demolition and therefore, demolition order issued by the Executive Officer, Panchayat concerned is illegal is unsustainable as the demolition order is issued pursuant to the order of the Inquiry Committee wherein the Inquiry Committee has held that the petitioners have violated various provisions of law governing the elephant corridor by constructing the illegal commercial resort.

19. It is also the contention that due to inadvertence in correlation between the old and new survey numbers, a few survey numbers were left out in the notification even though they are situated in the middle of the boundary descriptions of the elephant corridor area. Thus, the contention of the petitioners that the lands do not come under the elephant corridor is not sustainable.

20. It is also the contention that the petitioners therein have challenged the validity of the TNPPF notification in W.P.No.24575 of 2009 and the validity of the said notification was upheld by this Court and the writ appeals in W.A.Nos.35 and 405 of 2012 were dismissed by two different Division Benches vide judgment dated 08.12.2017 and 30.01.2018 respectively and the judgment is binding on all the parties and the petitioners lands are admittedly notified under the TNPPF Act and their title is void as per Section 3 of the TNPPF Act.



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21. Further, the petitioners concerned have raised the validity of notification of eco-sensitive zone dated 13.12.2019, the petitioners lands fall within the conservation area essential for preserving the ecosystems flora and fauna and the activities permitted in Eco sensitive zone are related as per applicable laws and the lands are notified elephant corridor, ecologically fragile lands with varied forest types and micro climates constructed with natural barriers through which elephants have to pass through during seasonal change between two major habitats, viz., Western and Eastern Ghats. Thus, in view of the topographic importance of this area, the petitioners' attempt to take umbrage under the eco-sensitive zone has to be rejected ex-facie. Therefore, seeks for dismissal of writ petitions by upholding the orders of the Inquiry Committee affirming the validity of the TNPPF notification, demolition notices and eco-sensitive zone notification as being in the paramount interest of wildlife conservation and ecological integrity.

22. In addition, the specific contention of the District Collector, The Nilgiris as against the individual a writ petition in WP.No. 12687 of 2024 is that the objector Mr.G.Ramesh in case No.65 of 2021 has deliberately concealed the sale of 3.44 acres to the petitioner. This clearly shows that they have attempted to mislead the Inquiry Committee by falsely stating on affidavit they are the owners of 13.44 acres of land



for 41 years with the ulterior motive of legalising the sale of 3.44 acres by attempting to secure a finding from the Inquiry Committee. Hence, seeks for dismissal of this writ petition.

23. It is the specific contention of the District Collector, Niligiris in WP.No.27924 of 2024 that the Committee constituted under Section 2-A of the TNPPF Act invoking the powers under sub-section (3) of Section 4-A of the TNPPF Act, 1949 under the residuary clause of "any other reason" that these lands are falling under the "elephant corridor". The only remedy of the petitioner is to file an appeal under Section 3(4) of the TNPPF Act and not knocking the doors of the Writ Court. Hence, sought for dismissal of this writ petition.

SUBMISSIONS

Submissions on behalf of the petitioners:-

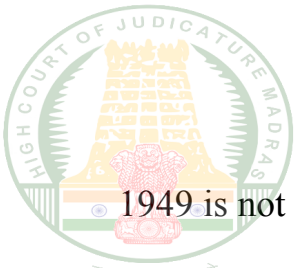
24. The primary contention of Ms.Jayna Kothari, learned senior advocate for the petitioners in WP.No.33129 of 2023 and 9790 of 2025 is that the petitioners are the owners of residential premises and the premises are not a resort carrying on commercial activities. The purpose of setting up the Inquiry Committee by the Hon'ble Supreme Court in its judgment was to curb the commercial activities in the Elephant Corridor, whereas, the Inquiry Committee has transgressed beyond its



scope by delving into the title of the petitioners and has outrightly passed the orders sealing the residential premises of the petitioners. The Inquiry Committee was appointed by the Hon'ble Supreme Court to decide the individual objections of the persons being aggrieved by the actions of the District Collector, however, the Inquiry Committee has ignored the orders of the Hon'ble Supreme Court and beyond its scope relied upon the Tamil Nadu Preservation of Private Forests Act, 1949 and passed the impugned order in sealing the residential premises of the petitioners. The petitioners had filed their objections by producing House Tax receipts, electricity bills were produced having meager charges and building plans issued by Masinagudi Panchayat for residential purposes were also produced before the Inquiry Committee, ignored the above documents.

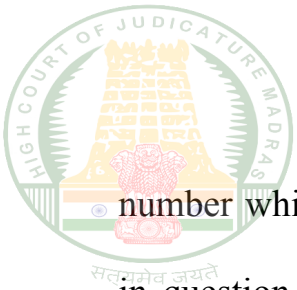
25. The Inquiry Committee had erroneously assumed that the vendor of the petitioner is a company, whereas, power of attorney was given in an individual name and the same was sold to the petitioner vide a registered sale agreement and the title is transferred to the petitioner by way of possessory right as per the Transfer of Property Act. To buttress her submissions, she also submitted that the petitioner's adjacent land owner's objection namely Alok Guptha's objection was considered and his property was unsealed, whereas, petitioners' houses were sealed.

26. In all, she submitted that Tamil Nadu Preservation of Private Forests Act,



1949 is not at all within the scope of the constitution of the Inquiry Committee by the Hon'ble Supreme Court, whereas, the Inquiry Committee relying Section 3(1)(b) of TNPPF Act, 1949 has passed the order dispossessing the petitioners from their residential premises. The order sealing the residential premises of the petitioners is arbitrary. Further, the inspection was done without issuing notice to the objectors. Further, there is no proof or signature to establish that the objectors were present during the inspection. It was also held by the Inquiry Committee that 13066.8 sq.ft., is built up area, whereas, 2347 sq.ft., is only a built up area in WP.No.33129 of 2024 and further, in WP.No.9790 of 2025, it was held that 6843 sq.ft., is built up area, whereas, 2357 sq.ft., is only built up area.

27. Mr.Sharath Chandran, learned counsel for the petitioners in WP.No.26182 of 2023, 2667, 4448, 7444, 28995, 25405, 33012, 35966, 25371, 25395, 25398, 25414, 25457, 25464, 28949 of 2024; 1652, 23748, 25501, 27892 & 18143 of 2025 submitted that survey numbers of the petitioners were not included in the Government Order and the properties situate outside the elephant corridor. To substantiate the same, he relied on a letter issued by the District Forest Officer to the Principal Chief Conservator of Forests dated 19.10.2016, wherein, it is admitted that the S.Nos.114/1, 114/2A were not included. The Inquiry Committee has traversed beyond the Government Order and held that boundaries will prevail over the survey



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number which is against the Government Order. Further, he submitted that the area in question falls under the eco-sensitive zone as per the Notification S.O.4498(E) dated 12.2.2019 by Ministry of Environment, Forest and Climate Change, where under, various commercial activities, including existing hotels/resorts are regulated and their activities are limited, but not prohibited. Furthermore, the concept of eco tourism essentially includes construction of home stays as an aspect of sustainable development. He further submitted that even if the sale is void, the title will revert back to the vendor. Article 65 of the Limitation Act will apply to a void sale. The State does not acquire title under the TNPPF Act. The Government Order did not contemplate about the rights of the property. Notification under Section 1(2)(ii) under TNPPF Act should not have been issued, rather, notification under Section 1(2)(iii) ought to have been issued since Section 1(2)(ii) relates to Estate Act. The finding of the Committee that the principle of boundaries prevails over survey number is bad in law. The boundaries will prevail over the extent of land not survey number. In this regard, he placed reliance on the judgment of this Court in the case of *State of Tamil Nadu vs. Mohamed Nagib and others* reported in 2003 (1) LW 258, wherein, it was held that boundaries cannot override specific survey number notifications unless expressly provided by statute. It is also his contention that there is only a proposal pending for the inclusion of the petitioners' properties in the elephant corridor, action cannot lawfully be taken on the basis of a mere proposal. In



support of the same, he relied on the judgment of the Hon'ble Supreme Court in the cases of *State of Uttaranchal vs. Sunil Kumar Vaish* reported in (2011) 8 SCC 670.

28. He also submitted that the Inquiry Committee is not competent to declare a sale as void since, the TNPPF Act does not have the effect of divesting the title of the owner, nor does it contemplate dispossession of persons who are in settled position. This has been clearly held by a Division Bench of this Court in the case of *Kanyakumari District Planters Association vs. State of Tamil Nadu* reported in 2016 SCC OnLine Mad 1548. He argued that the TNPPF Act operates independently and there shall not be telescoping into the Forest Conservation Act, relying on *T.N. Godavarman Thirumulpad* (cited supra). Referring to the aborted acquisition under G.O. Ms. No. 154, he stressed that the acquisition must follow due process. He further pointed out inconsistencies in the treatment of Survey Nos. 114/1, 114/2, 144/6, and 144/7 in the plan of action report and action taken report, arguing this contradiction creates estoppel. The Government Order in GO.Ms.No.125 dated 31.08.2020 has nothing to do with possession, legal ownership and rights of the petitioners. Therefore, the State is estopped from acting contrary to its own assurances and promises. In this regard, he relied on the judgment of the Hon'ble Supreme Court in the case of *Sunderbai vs. Devaji* reported in (1952) 2 SCC 92.



29. It is also his submission that the Government had admittedly not published the cadastral map containing the relevant survey numbers, in the absence of such publication, the petitioners were under bonafide impression that their properties were not notified as part of the elephant corridor. Further, the Executive Authority invoking Section 56 of the Tamil Nadu Town and Country Planning Act is erroneous, the Executive Authority was bound to follow the mandatory procedure prescribed under the Tamil Nadu Town and Country Planning (Removal of Unauthorised Development) Rules, 2022 without following the demolition notices have been issued. Thus, the impugned notices are legally unsustainable.

30. Mr.V.Raghavachari, learned senior counsel for the petitioner in WP.No.28505 of 2024 submitted that the petitioner society does not run a resort, the record District Collector indicate that this is not an elephant corridor. Electricity connection was converted to domestic in the year 2009. A report has been given by the District Collector and permission was granted to convert non-residential to residential in the year 2010. Now the property is only used for retreat purposes by Laymen Evangelical Society for a gathering to read bible. It was also his contention that adjacent property was exempted stating that Alok Gupta is using the property only for residential purposes and his property was sealed and later desealed. However, the petitioner's request was rejected. The petitioner has purchased the



property in as is where is condition and using the same only for retreat purposes and not operating the same for commercial activities. The Inquiry Committee ought to have seen that there was no commercial activities in the properties, further, there is no materials to arrive at such conclusion by the Inquiry Committee. He further contended that even the sale is declared to be null and void, the property will revert back to the original title owner, therefore, even assuming that the sale is null and void, it does not mean that the property should be handed over to the Government.

31. Mr.T.Gowthaman, the learned senior counsel for the petitioners in WP.Nos.8326, 24928 of 2024 submitted that the lock and seal order was passed by the District Collector, The Niligiris without giving opportunity as contemplated under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act which mandates 30 days period and the same is against the principles of natural justice. Against the lock and seal order, statutory appeal under Section 80-A was filed and the same was allowed setting aside the lock and seal order passed by the District Collector, The Niligiris. The order in appeal was produced before the Inquiry Committee and the same was not considered by the Inquiry Committee.

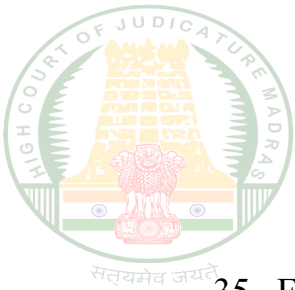
32. The order of the Inquiry Committee recommending the demolition order is excess jurisdiction, the Inquiry committee was formed by the Hon'ble Supreme Court



only for the purpose of finding out whether there was any excess on the part of the District Collector, The Niligiris. Whereas, the Inquiry Committee has recommended for vacating and demolishing the building without following due process of law. The proper procedure is to acquire the lands by the Government as stipulated under Land Acquisition Act.

33. The Inquiry committee relied on a web page and had decided the case of the petitioners in a hasty manner holding that one of the director is a share holder in another company situated in Kabini at Karnataka, therefore, commercial activity is being carried on is without any evidence and the same cannot be sustained in the eye of law. The Inquiry committee is only an investigating authority as against the action of the District Collector, The Niligiris, however, contrary to the directions of the Hon'ble Supreme Court, the Inquiry Committee has acted as an adjudicating authority and declared the sale to the petitioners as null and void, only a competent Civil Court has to adjudicate and decide the same.

34. Further, he would submit that the petitioners had already applied for change of tariff as residential in the year 2011 itself, however, the same was not changed till date. The petitioners are using the premises only for residential purposes and not for commercial purpose as alleged by the District Collector, The Niligiris and the Inquiry Committee.



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35. Further, his contention is that there are discrepancies between the two reports submitted by the Collector. He contended that the Committee exceeded its jurisdiction by failing to issue proper notice, thereby violating principles of natural justice. It was further submitted that the Committee lacked authority to adjudicate questions of title. Regarding the use of the property, he stated that the log house and cottage were used solely for residential purposes, with labourers residing therein.

36. Mr.Salman Khurshid, the learned senior counsel for the petitioners in WP.Nos.23499, 23502, 23521, 23526, 23528, 23532, 23536 of 2024 submitted that the notification under TNPPF Act has come into effect only after the activities being carried on by the petitioners' resort, hence, the notification under TNPPF Act cannot be applied retrospectively, it can be given effect to only prospectively. G.O.Ms.No.125 has been issued only with the intention of managing the activities of the elephant corridor not with regard to vacating the petitioners in the elephant corridor. Admittedly, the notified elephant corridor/expanded corridor is subsequent to the Gaja report and there is eco-sensitive zone, regulations stipulate that no commercial activities to be carried out. Therefore, there can be a regulation over the petitioners' resort but not to conduct commercial activities, not to evict them from the premises. The Hon'ble Supreme Court has directed to limit not to eliminate the



persons from their possession.

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37. It was contended that the plan of action report has only one list, it does not specify whether it is the actual corridor or the expanded corridor. The concern of the Hon'ble Supreme Court is to stop the mushrooming of resorts in the corridor and the directions was issued to close down the illegal operation of resorts and thus, 27 resorts were closed down and the remaining 12 resorts were directed to produce documents with regard to the permission for running the resorts, however without considering the documents with regard to permission in functioning the resorts, the District Collector, The Niligiris had passed the sealing order. Thereafter, the Committee was formed only to look into the excess on the part of the District Collector, The Niligiris, whereas, the Committee has gone into the title and had ordered for demolition of building which is excess of jurisdiction on the part of the Inquiry Committee. It is his contention that the Hon'ble Supreme Court has directed to close down only the resorts functioning without permission not the resorts functioning with permission. Lock and seal order was passed to the petitioners' resorts despite approval from the Panchayat.

38. The learned senior counsel emphasised the doctrine of merger, that the High Court's judgment is considered to have merged with the Supreme Court's



judgment. Highlighting the inaccuracies and discrepancies in the collector's report, the learned counsel insisted that there has to be a single window clearance for taking permission to run an establishment, and if any additional permission has to be taken, it has to be precisely mentioned in the statute. Additionally, the learned counsel relied on the precautionary principle and contended that the principle merely limits commercial establishments and does not restrict them on the whole.

39. It was further urged that once a building is constructed with a plinth area below 250 square meters, the requirement under law is only to obtain permission from the local Panchayat. Thereafter, if the owner proposes to put up an additional construction, he may seek permission from the Panchayat once again and get sanction after getting endorsement from AAA Committee. The learned Senior Counsel submitted that the petitioner has scrupulously followed this procedure and there has been no infraction warranting adverse action.

40. Mr. Om Prakash, learned senior counsel for the petitioner in WP.No.22933 of 2024 submitted that the property lies outside the notified boundary and, therefore, should not be subject to the Committee's restrictions. He contended that the Committee erroneously disregarded the sale deed dated 07.05.2005, treating it as invalid without justification. It was further submitted that the petitioner had produced house tax receipts in support of residential use, which were not duly considered, and



that the land was purchased as coffee plantation property.

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Submissions on behalf of the Official Respondents:-

41. Mr.J.Ravindran, learned Additional Advocate General appearing for the official respondents submitted that the TNPPF Act was enacted with the object of regulating the use of private forest lands and preventing indiscriminate deforestation, in furtherance of ecological balance and public interest. Referring to the relevant provisions of the Act, including those governing the constitution of the committee and the powers conferred therein, it was argued that the District Collector is the competent authority empowered to issue notifications under the Act. This position, it was submitted, is fortified by the decision in *Kanyakumari District Planters' Association v. State of Tamil Nadu*, wherein the District Collector's role in regulating elephant corridor was upheld. Reliance was also placed on the 1979 Amendment to the Act, which clarified that while the framing of rules must be placed before the Legislative Assembly, the issuance of notifications lies exclusively within the executive powers of the District Collector.

42. The learned counsel also invoked the doctrine of res judicata, contending



that the issue stands concluded by the decision in the *Masinagudi Farmers Association* case. Emphasising the imperative of sustainable development, it was argued that the State has progressively shifted from an anthropocentric approach to an ecocentric one, aligning its actions with established environmental principles such as the precautionary principle and the public trust doctrine, in order to ensure long-term ecological preservation and responsible governance.

43. He also placed strong reliance on the ecological importance of the elephant corridor, particularly in facilitating the migratory movement of elephants and ensuring genetic diversity within the population. He submitted that the presence of uninterrupted corridors is critical to maintaining viable elephant populations and preventing inbreeding. The learned AAG further contended that unregulated private tourism within such ecologically sensitive areas has a deleterious effect, resulting in habitat fragmentation, disruption of migratory paths, loss of ecological connectivity, and increased instances of human-animal conflict. Such impacts, he submitted, could lead to irreversible ecological damage.

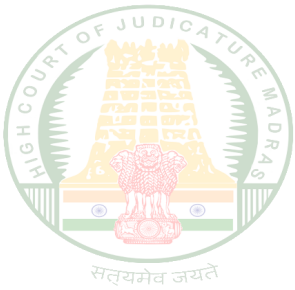
44. In explaining the methodology adopted for the determination of corridors, the learned Additional Advocate General submitted that the process is systematic and scientifically driven. It is based on factors such as historical usage of the path by



elephants, the presence of a viable buffer area, adequacy of water sources, and the minimum required width, which, he noted, must not be less than 1 kilometre. The corridor must also facilitate the movement of other species such as tigers, thereby contributing to the larger ecological landscape connectivity. He emphasised the necessity of both short-term and long-term conservation strategies, including proactive corridor protection measures.

45. Refuting the contention of the petitioner regarding specific survey numbers mentioned in the notification, the learned Additional Advocate General argued that the crucial point for determination is not the individual survey numbers but the ecological boundaries and continuity of the corridor, which define its functional and ecological integrity. He clarified that as per the guidelines issued by the National Tiger Conservation Authority (NTCA), ecotourism in protected areas must be undertaken strictly under the supervision and direction of the statutory authorities, and not by private entities operating independently.

46. The learned Additional Advocate General also contended that the District Collector had duly deliberated upon the "Gaja Report" and proceeded to take appropriate action through the constitution of three teams comprising officials from the Revenue Department, Forest Department, and the Local Bodies concerned.



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47. Refuting the contentions raised by the petitioners, the learned AAG submitted that the property belonging to Mr. Alok Gupta was not subjected to demolition as he had produced all valid and relevant documents evidencing his lawful possession and compliance with applicable regulations.

48. The learned AAG further emphasized that elephants are a keystone species and that the designated elephant corridor predominantly lies within the reserve forest area. He asserted that in accordance with the prevailing regulatory framework, any construction exceeding 250 square meters or involving commercial establishments requires prior permission from the District Collector. In the instant case, the petitioners, having failed to disclose accurate and complete information, appear to have obtained approval from local bodies without obtaining the requisite sanction from the competent authority. It was also submitted that the petitioners had not obtained mandatory permission under Section 6 of the Tamil Nadu Preservation of Private Forests Act, 1949 (TNPPF Act), as well as under Section 2 of the Forest (Conservation) Act, 1980, which are preconditions for any activity within or abutting forest land.



Submissions made by the learned Amicus Curiae:-

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49. Though the First Bench of this Court has requested Mr.M.Santhanaraman, learned counsel to assist this Court, in view of the objection raised by one of the learned senior counsel for the petitioners alleging conflict of interest since he has appeared for State before the Inquiry Committee, Mr.M.Santhanaraman, learned counsel himself recused, we heard Mr.T.Mohan, learned senior counsel, amicus curiae. The learned Amicus Curiae, Mr. T. Mohan, commenced his submissions by addressing the legal validity of the TNPPF Act and the notifications issued thereunder. He submitted that the constitutional and statutory validity of the Act, as well as the notification in question, have already been upheld by competent judicial forums. However, he drew the Court's attention to certain additional legal and factual grounds arising uniquely in the present case, which warrant independent consideration. In support of his submissions, he placed reliance on the decisions in *Pushpabal Mangalchand Vaid vs The State of Tamil Nadu* and *Kanyakumari District Planters' Association v. State of Tamil Nadu*, wherein the scope and applicability of the TNPPF Act were elaborated upon. He submitted that these decisions reaffirm the binding nature and continued applicability of the Act.

50. The learned amicus curiae placed reliance on the Expert Committee Report submitted by the Department of Environment (Parives), and submitted that the



findings therein lend further support to the ecological and legal rationale for the enforcement of the corridor notification.

51. Further, the learned Amicus Curiae, Mr. T. Mohan, submitted that the assessment of the matter at hand must rest on three core components: (i) the Plan of Action Report submitted by the District Collector, (ii) the Action Taken Report of the District Collector, and (iii) the findings of the Inquiry Committee constituted in the case. With reference to the issue raised concerning the scope and authority of the Inquiry Committee, the learned Amicus clarified that the Committee is indeed empowered to examine and report on issues arising from miscellaneous petitions filed in connection with the main proceedings. There was, therefore, no excess of jurisdiction in the Committee's Inquiry.

52. He further submitted that a harmonious interpretation must be applied when reading the Eco-Sensitive Zone (ESZ) Notification in conjunction with G.O. Ms. No. 125, 1991, which relates to the elephant corridor. Such an interpretation, he argued, ensures that ecological protections under both instruments are harmoniously constructed. He also reiterated the submission of the learned Additional Advocate General that in terms of the guidelines issued by the National Tiger Conservation Authority (NTCA), eco-tourism activities cannot be conflated with or used as a



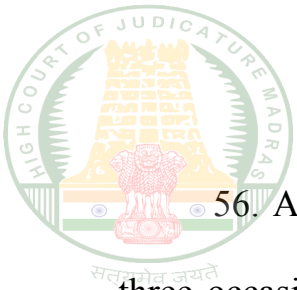
justification for the operation of private resorts, which fall under a distinct regulatory framework.

53. Mr.T.Mohan, the learned amicus curiae further submitted that the Tamil Nadu District Municipalities Act confers adequate power upon local authorities to initiate demolition of structures that are constructed without valid licences or in violation of statutory requirements. In his view, the legal position is clear and the matter does not warrant any further deliberation. In conclusion, he contended that the alleged variation in the extent of land (acreage) does not substantively advance the case of the petitioners, nor does it alter the legal consequences arising from the violations established on record.

54. *Mr. S. Karthikei Balan*, the learned counsel appearing on behalf of the Enquiry Committee assisted the court by placing the details of hearing, or the records before the Committee, whenever required by the learned counsel for the petitioners.

FINDINGS & REASONING

55. We had given the our due consideration to the arguments made and perused the materials on record.



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56. At the outset, it is to be noted that the facts were findings were made on three occasions, i.e., the basis of (a) plan of action report that is based on the fact finding authority/District Collector; (b) the action taken report by the District Collector; and (c) then finally by the Inquiry Committee which had given opportunity to all the parties and in fact, verified and inspected all the records and gave its findings with regard to the objections raised by the petitioners herein.

57. The Nilgiris Biosphere Reserve is home for single largest population of Asian Elephants in the world numbering about 6000-7000 individuals are critically endangered. Unless their migratory corridors between their habitats are preserved, the habitats will be fragmented resulting in forcing the elephant populations to extinction. Article 21 of the Constitution of India not only protects the right to life of humans but also protects and preserves other species. That apart, conservation and protection of environment is an inseparable part of the right to life. We humans should safeguard the endangered species, since, the right to life is extended to them on the earth like human beings. The shift from anthropocentric to eco-centric approach has to be keenly looked into. The State, being the custodian of natural resources, has a duty to maintain them. In this regard, the Hon'ble Supreme Court in the case of *M.C. Mehta v. Kamal Nath* reported in (1997) 1 SCC 388 has enunciated the doctrine of “public trust”, the thrust of that theory is that certain common



properties such as rivers, seashores, forests and the air are held by the Government in trusteeship for the free and unimpeded use of the general public. The resources like air, sea, water and the forests have such a great importance to the people as a whole, that it would be totally unjustified to make them a subject of private ownership. The State, as a custodian of the natural resources, has a duty to maintain them not merely for the benefit of the public, but for the best interest of flora and fauna, wildlife and so on. The relevant paragraphs of the judgments in M.C.Mehta's case reads as follows:

*" 34. Our legal system — based on English common law — includes the public trust doctrine as part of its jurisprudence. **The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the sea-shore, running waters, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.***

*35. We are fully aware that the issues presented in this case illustrate the classic struggle between those members of the public who would preserve our rivers, forests, parks and open lands in their pristine purity and those charged with administrative responsibilities who, under the pressures of the changing needs of an increasingly complex society, find it necessary to encroach to some extent upon open lands heretofore considered inviolate to change. The resolution of this conflict in any given case is for the legislature and not the courts. If there is a law made by Parliament or the State Legislatures the courts can serve as an instrument of determining legislative intent in the exercise of its powers of judicial review under the Constitution. But in the absence of any legislation, the executive acting under the doctrine of public trust cannot abdicate the natural resources and convert them into private ownership, or for commercial use. **The aesthetic use and the pristine glory of the natural resources, the environment and the ecosystems of our country cannot be permitted to be eroded for***



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W.P.Nos.26182 of 2023 etc., batch cases

private, commercial or any other use unless the courts find it necessary, in good faith, for the public good and in public interest to encroach upon the said resources. "

Emphasis supplied

58. It is relevant to note that the Hon'ble Supreme Court in the case of *State of Telangana and others vs. Mohd. Abdul Qasim (Died) per legal representatives* reported in (2024) 6 SCC 461 has held as follows:

"49. There is a crying need for a change in our approach. Man being an enlightened species, is expected to act as a trustee of the Earth. It is his duty to ensure the preservation of the ecosystem and to continuously endeavour towards the protection of air, water and land. It is not his right to destroy the habitat of other species but his duty to protect them from further peril. A right to enjoy cannot be restricted to any specific group, and so also to human beings. The time has come for mankind to live sustainably and respect the rights of rivers, lakes, beaches, estuaries, ridges, trees, mountains, seas and air. It is imperative to do so as there is always a constant threat to forests due to the ever-increasing population. Man is bound by nature's law. Therefore, the need of the hour is to transform from an anthropocentric approach to ecocentric approach which will encompass a wider perspective in the interest of the environment.

54. Similarly, the concept of sustainable development is to be understood from an ecocentric approach. First and foremost, it is the environment that needs to be sustained, while the anthropogenic development must follow later. *T.N. Godavarman Thirumulpad (87) v. Union of India* [*T.N. Godavarman Thirumulpad (87) v. Union of India*, (2006) 1 SCC 1] : (SCC pp. 22-23, para 38)

"38. *Forest sustainability is an integral part of forest management and policy that also has a unique dominating feature and calls for forest owners and society to make a long-term (50 years or longer) commitment to manage forests for future generations. One of the viewpoints for sustaining forest is a naturally functioning forest ecosystem. This viewpoint takes the man and nature relationship to the point of endorsing, to the extent possible, the notion of letting the forest develop and process without significant human intervention. A strong*



adoption of the naturalistic value system that whatever nature does is better than what humans do, this is almost the “nature dominates man” perspective. Parks and natural reserve creations; non-intervention in insect, disease and fire process; and reduction of human activities are typical policy situations. This viewpoint has been endorsed by the 1988 Forest Policy of the Government of India.”

(emphasis supplied)

67. *Amarnath Shrine, In re* [*Amarnath Shrine, In re*, (2013) 3 SCC 247] : (SCC p. 260, para 19)

“19. Where it is the bounden duty of the State to protect the above rights of the citizen in discharge of its constitutional obligation in the larger public interest, there the law also casts a duty upon the State to ensure due protection to the forests and environment of the country. Forests in India are an important part of the environment. They constitute a national asset. We may, at this stage, refer to the concept of inter-generational equity, which has been treated to be an integral part of Article 21 of the Constitution of India. The courts have applied this doctrine of sustainable development and precautionary principle to the cases where development is necessary, but certainly not at the cost of environment. The courts are expected to drive a balance between the two. In other words, the onerous duty lies upon the State to ensure protection of environment and forests on the one hand as well as to undertake necessary development with due regard to the fundamental rights and values.”

(emphasis supplied)"

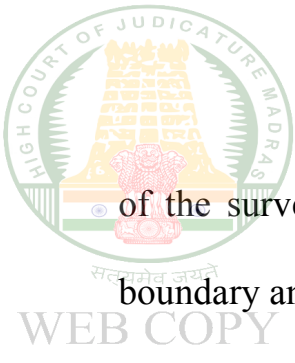
Thus, it can be seen that the approach shall be eco-centric. The elephants, and the Corridor and its ecosystem, are not objects to be protected but subjects with rights to exist, to regenerate, survive and proliferate. The Courts have a mandatory duty to act as *parens patriae* protecting them.

59. The main contention of the petitioner in WP.No.28995 of 2024 is that necessary residential license has been obtained by the petitioner and the building has



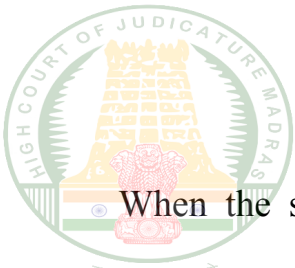
been constructed properly, taxes and other statutory payments were being made by the petitioner regularly, that apart, no commercial activities were carried out in the residential premises. It is to be noted that to buttress the averments of the writ petitioner that the building was constructed with proper planning, no permission whatsoever has been produced before the Inquiry Committee; on physical inspection, the Inquiry Committee has found that large scale violations were carried on and the building was never used for residential purpose and was used only for commercial purpose. Therefore, once the buildings have been put up without any proper planning permission and being used for commercial purposes, it cannot be said that merely because they have purchased the property and are in possession of the property, such illegal operation should be legalised. Hence, on factual findings and inspections, the Inquiry Committee has found that the building was not used for residential purpose and were used only for commercial purpose, which in the view of this Court is correct and cannot be found fault with. Accordingly, we do not find any merits in the writ petitions.

60. In WP.No.22933 of 2024, it is the contention of the writ petitioner that their property in Old S.No.235/1, New S.No.247/5 measuring to an extent of 23.01.5 hectares situated at Masinagudi Village lies outside the boundary. We have also seen the sketch. Though their survey number in Old S.No.235/1, New S.No.247/5 is just below the boundaries shown in the map, the fact remains that the southern boundary



of the survey number is fully surrounded by reserve forest. Similarly, the eastern boundary and western boundary is completely declared as elephant corridor, thus, the elephant has to reach only through S.No.247/5. It is also relevant to note that in Annexure III of the G.O.Ms.No.125 dated 31.08.2010, the S.No.247/5 is also included and the same has not been challenged. Further, there were buildings in the plantation, the Inquiry Committee had found that the buildings were used for commercial purposes, however, had permitted the petitioners to use the portion of the building for residential purposes. Such view of the matter, we make it clear that no commercial activities be permitted except for owners occupation in the said portion.

61. In WP.No.33129 of 2023 and 9790 of 2025, the main contention of the learned senior counsel is that the buildings are only 2347 sq.ft., and 2357 sq.ft., respectively and the buildings are used only for residential purpose. It is the further contention even before the inspection no notice was issued, however, such submission was found to be false. Moreover the learned counsel appearing for the Inquiry Committee has produced before us the video of the learned senior counsels submitting before the Inquiry Committee and agreeing to be present during the inspection on the very next day. Thereafter, a letter is also issued by the writ petitioner acknowledging the visit and inspection carried out by the Committee.



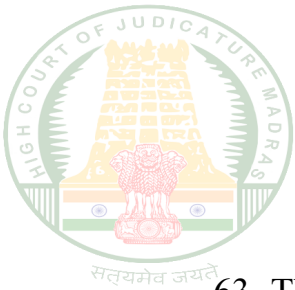
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When the said letter was produced in the Court, the learned senior counsel has admitted the letter, however, it is her further contention that measurement has not been properly done. We had called for the records. On perusal of the records, the Inquiry Committee had clearly recorded that measurement of the buildings are spanning around 13066.8 sq.ft, and 6843 sq.ft., respectively and there were no valid permission. It is further to be noted that the building permission has been obtained only from the local bodies. As far as the building permission is concerned, as per Chapter X-A of the Tamil Nadu District Municipalities Act, 1920, any building that exceeds 250 square meters, the building permission should be given by the District Collector. However, no such permission whatsoever was obtained, but on ground, the Inquiry Committee had found that the buildings are spanning around 13066.8 sq.ft, and 6843 sq.ft., respectively and the facilities made available in the buildings are a clear case of commercial exploitation. Therefore, the contention that the building has been used for residential purposes cannot be countenanced.

62. It is also the contention of the learned senior counsel that the petitioners are the title owners and they are having a sale agreement in their favour. We are of the view that such contention has no legal basis. Mere agreement for sale does not create any charge or interest over the immovable properties. Therefore, merely on the basis of an agreement, the writ petitioner cannot claim title. Be that as it may, the



Inquiry Committee has held that the sale of the property without prior sanction from the Committee as per Section 3 of the Tamil Nadu Preservation of Private Forest Act, 1949 is void. It is relevant to note that, in fact, the Inquiry Committee has reiterated the statutory declaration and has not decided the title on its own. The Committee has found that whenever there is violation of Section 3 of the TNPPF Act, 1949 and permission is obtained from the concerned committee, such sale is declared to be void under the Act. As long as the sale is not ratified by the authorities concerned, such sale is not valid in the eye of law; but the fact remains that when the sale is held to be void as per the statute, the title normally reverts back to the original vendor. In the present cases, we are of the view that the very finding of the Committee to hand over the possession to the Government does not arise at all. It is to be noted that though this Court in the order passed in the Writ Petition has issued such a direction to handover the properties, the Hon'ble Supreme Court of India had exercised the appellate jurisdiction under Article 136 of the Constitution of India and had rendered its verdict on merits. The verdict of this Court thus, stood merged in the Judgment of the Hon'ble Supreme Court of India. Useful reference can be made to the judgment in ***Kunhayammed v. State of Kerala, (2000) 6 SCC 359***. In this case, there is no direction by the Hon'ble Supreme Court of India to handover possession of the properties and as such, to the limited extent, we are unable to agree with the Inquiry Committee.



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63. Though a purchaser without permission cannot get title in view of want of sanction under Section 3 of the TNPPF Act, in such case, title reverts back to the original owner, however, in the present case, even the original owner do not exercise such powers, rather, only a person who is in possession can continue and exercise the possessory right, as long as the original vendor has not filed any suit for recovery of possession. Therefore the only findings of the Committee that the property should be handed over back to the Government, we are of the view such finding is ipso facto beyond the remit of the Hon'ble Supreme Court.

64. Further, it is also to be noted that in the very Government Order in G.O.Ms.No.125 dated 31.08.2010, the Government has clearly indicated its object in passing the Government Order. To the first objection that the petitioners are in ownership and possession of the land for many years, the answer by the Government is as follows:

" The proposed notification of Elephant Corridor is only a management activity to take care of the welfare of the elephant and other wildlife. The notification of the elephant corridor has nothing to do with the possession, legal ownership and rights of the petitioners"

65. Therefore, even assuming that the title has not been validated in view of the permission not being granted to the petitioners under Section 3 of the TNPPF



Act, the fact remains that the persons who are in possession of the properties on their own, though the sale is not valid, such persons cannot be dispossessed. The main object of the Act is only to prevent the commercial activities in the corridor, particularly, running of large scale resorts by using barbed wires etc., When the property is used for agricultural purposes or plantation, that can be continued in eco-friendly methods by the persons by not disturbing the wildlife. We are of the view that there cannot be difficulty for the persons who are enjoying the property, but at the same time under the pretext of legal ownership and right, one cannot be permitted to do commercial activities.

66. In W.P.No.24928 of 2024, it is the case of the writ petitioner that the Inquiry Committee relied on a web page and had decided the case of the petitioners in an hasty manner holding that one of the director is a share holder in another company situated in Kabini at Karnataka, therefore, commercial activity is being carried on is without any evidence and the same cannot be sustained in the eye of law. We are of the view that such a finding of the Inquiry Committee cannot be found fault with for the simple reason that the Inquiry Committee on ground has visited and inspected the premises and they found that large diesel generator is set up in the premises. The very setting up of a large diesel generator itself indicates that the property is used for commercial activities. Therefore, such contention of the



learned senior counsel cannot be countenanced. The Hon'ble Supreme Court in *Mafatlal Industries* (cited supra) has held that when any guest houses are maintained by a company or commercial undertaking on the other hand is a part of its commercial venture and such premises by no stretch of imagination can be held to be meant for exclusive use as private residential premises.

67. It is also the contention of the learned senior counsel in WP.Nos.8326 of 2023 and 24928 of 2024 that the buildings are less than 2500 sq.ft., and they are used only for residential purposes. We had called for the records. On perusal of the records, it would clearly indicate that the buildings are spanning around 4260 sq.ft., and 6843 sq.ft., respectively and the facilities made available in the buildings are clear case of commercial exploitation. Therefore, the contention that the buildings are used for residential purposes cannot be countenanced.

68. It is also to be noted that the writ petitioner being a company submitted that it is using the building as private residential premises. Company being a corporate entity, we are of the view that when any guest houses are maintained by a company or commercial undertaking on the other hand is a part of its commercial venture and such premises by no stretch of imagination can be held to be meant for



exclusive use as private residential premises. This proposition has been held by the Hon'ble Supreme Court in the case of Municipal Corporation of Greater Bombay vs. Mafatlal Industries and others reported in *AIR 1996 SC 1541*. The relevant portion in paragraph 4 of the judgment same reads as follows:

"4. ... The guest houses are maintained by company or commercial undertaking on the other hand as a part of its commercial venture and such premises by no stretch of imagination can be held to be meant for exclusive use as private residential premises."

69. Though Mr.V.Raghavachari, learned senior counsel contended that only his vendor has constructed the building and he has no role, it is relevant to note that the very purchase itself was made after the entire area has been declared as elephant corridor. Further, when the building has no plan and put up unauthorisedly, merely, because subsequent purchase of such building; such unauthorised construction will not be regularised automatically. Unauthorised construction will always remain as unauthorised. Therefore, the petitioner as a matter of right cannot contend that since he has purchased the above building, he is entitled to use the building for residential purposes. It is also to be noted that the so-called permission said to have obtained from the Committee headed by the District Collector is revoked vide proceedings in Rc.No.13525/2012 by the District Collector, Nilgiris and the petitioner's land falls within the elephant corridor.



70. When the Hon'ble Apex Court has clearly held that no commercial activities are permitted in the elephant corridor, merely, because the petitioner had purchased such huge property, it cannot be said that the properties are only used for residential purposes. During submissions, it is the submissions of the learned senior counsel that the petitioner will use the building for retreat and educating pastors. Educating pastors in the form of retreat, we are of the view that such activities will definitely come within the commercial activities and such things cannot be permitted in the elephant corridor as the same will cause great hindrance in movements of the elephants. The entire question has to be considered from an environmental perspective. The Object is only to permit the natural inhabitants who carry on the native and ordinary activities in the area and to prevent alien, incompatible activities which pose existential threat. The resorts/retreats, whether occupied by officials and owners, religious persons or tourists, all amount to intrusion into the corridor affecting the movement and ecosystem.

71. In WP.No.26182 of 2023, it is the contention of the petitioner before the Inquiry Committee that the survey number No.114/1 was not included in G.O.Ms.No.125 dated 31.08.2010, since, the survey number is not notified, the Inquiry Committee finding that the boundary description will prevail over is without any basis. It is the further contention that no commercial activities were carried out



in the residential premises.

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72. It is relevant to note that the entire Sigur Plateau Region in The Nilgiris District is an elephant corridor; even the Hon'ble Apex Court while disposing the appeals in Civil Appeal Nos.3438-3439 of 2020 has clearly approved the factual findings recorded by this Court in writ petition which was the subject matter of the challenge before the Hon'ble Apex Court. Paragraph 41 of the order reads as follows:

“41. The second limb of the appellants’ submissions comprises of questions about the scientific accuracy of the Expert Committee’s Report and contentions that the dimensions as well as the location of the single corridor identified therein are at odds with authoritative scientific publications. It has been argued by the appellants that their resorts and other establishments do not fall within the historic corridors identified in these publications. These assertions were dealt with by the High Court which held that there was material on record to show presence of elephants as well as a past incident of human-elephant conflict, which resulted in the death of a French tourist, in the region where the appellants’ resorts are located. The High Court also held that any absence of elephants from the areas surrounding the appellants’ resorts was, in fact, due to the construction activities of the appellants whereby access of the elephants has been restricted through erection of electric fencing. We see no reason to interfere with the above factual findings of the High Court and also do not find fault in the State Government’s adoption of the recommendations of the High Court-appointed Expert Committee, through the impugned G.O.

73. The contention with regard to the fact that their resorts and other establishments do not fall within the historic corridors identified in these publications was already raised in the above appeal, wherein, the Hon'ble Supreme Court has in fact approved the findings of this Court. Be that as it may, once again,



the Inquiry Committee had conducted inspection, it is to be noted that the Inquiry Committee was headed by a retired judge of this Court, viz., Hon'ble Mr. Justice K. Venkatraman (Retd.) with two other experts in the field. They inspected the properties in the presence of the writ petitioners along with the officials of the Revenue, Forest and Panchayats in the surrounding landscape as well. Through inspection, the Committee also conducted random sign survey to ascertain movements of wild animals and found pile of elephants dung in the passage indicating the movements of elephants through the subject lands. The Committee also scrutinized the report of this Court, appointed Expert Committee headed by Principal Chief Conservator of Forests and Chief Wildlife Warden, Chennai and found that though survey numbers are not included specifically while passing the Government Order in G.O.Ms.No.125 dated 31.08.2010, but the fact remains that the District Collector, The Nilgiris had already sent proposal long back to include the omitted survey numbers which were not included in the Government Order in RC.No.U6/55722/2006 dated 28.04.2018. The said proposal somehow is kept pending by the Government.

74. Be that as it may, we had also seen the entire map. All other survey numbers notified as elephant corridors are adjacent to the properties. Therefore, mere omission of the survey numbers in the Government Order as a notification, one



cannot contend that the elephants will never use such survey numbers as a passage.

When the surrounding area is declared as a corridor and elephants are using that area

as a passage, we are of the view that mere omission of survey numbers will not have

any serious impact. The boundary mentioned in Annexure II in G.O.Ms.No.125

makes it very clear that the southern boundary of the elephant corridor starts at the

foothill of the The Niligiris mountains and finally runs into the Sigur Reserve Forest.

It is a trite law that though survey numbers are not included, the boundary will

prevail. The entire area situated in particular landscape which is predominantly the

elephant corridor, mere omission of one or two survey numbers will not elevate that

survey numbers outside the elephant corridor, when the survey number fall within

the boundary and sketch, therefore, that contention cannot be countenanced. The

boundaries of the corridor is clearly earmarked and the properties of the writ

petitioners fall within the boundaries. In some cases (W.P.Nos.4448, 25412, 25457,

1777, 25414, 3941, 22933 of 2024, 23478 of 2025 & 26182 of 2023), the lands of

the writ petitioners are the only pieces of lands between the boundary of the corridor

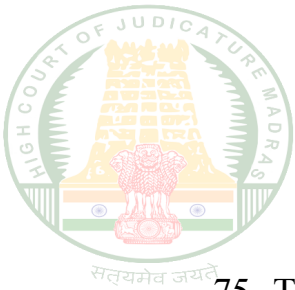
and the reserve forest. If these stand alone pieces of lands are left out, the very

integrity of the corridor itself will be violated and as such, after on-ground

assessment, these survey numbers were also included in the notification and the same

are done with due application of mind and as such, the argument that only the

boundary alone is to be considered these lands are to be left out cannot be accepted.



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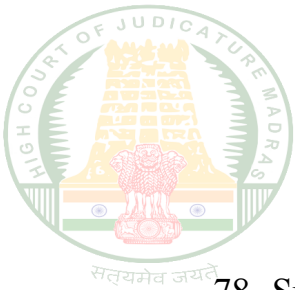
75. The main challenge in the writ petition in WP.No.27924 of 2024 is with regard to the dismissal order passed by the District Collector against the application filed by the petitioner under Section 4-A for sanction of purchaser. The petitioner has purchased the subject properties under five sale deeds registered between the year 2001 and 2004. Admittedly, the petitioner has purchased the properties in contravention of Section 3 of the TNPPF Act. Section 3 of the TNPPF Act mandates no owner of any forest shall without the previous sanction of the Committee/District Collector shall alienate the lands of the forest. In other words, any alienation without the permission from the District Collector is void. Section 4-A has been inserted in the Tamil Nadu Preservation of Private Forests Act, 1949 vide Act No.8 of 2015 (Tamil Nadu Preservation of Private Forests (Amendment) Act, 2011) with effect from 22.07.2015. Pursuant to the amendment brought under the Tamil Nadu Preservation of Private Forests Act, 1949, viz., in light of Section 4-A, the petitioner has made application for ratifying the sales and the District Collector vide impugned order dismissed the applications.

76. It is relevant to note that once the petitioner has violated a law, viz., Section 3 of the TNPPF Act, as a matter of right, he cannot seek for ratification, particularly, in view of the further developments. Admittedly, the entire area has



been declared as an elephant corridor and all the commercial activities has been banned, that apart hindrance in the passage of the elephant should not be there. The G.O.Ms.No.125 dated 31.08.2010 is also upheld by the Hon'ble Supreme Court. Therefore, once the entire area has been declared as migratory path of the elephants, now, the petitioner cannot seek ratification as a matter of right in view of Section 4-A of the Tamil Nadu Preservation of Forests Act. This apart, Section 7 also contemplates that the sale in contravention of Section 3 is a criminal offence. The purchase of the petitioner itself is a product of crime. Therefore, in that context, Section 4-A is nothing but a benevolence, that is to be conferred by the authorities in extraordinary situation where the interest of justice so requires, it cannot be exercised in a routine manner or in every case where petitioner seek for ratification.

77. If the petitioner's property does not fall within the elephant corridor and just notified as a private forests under the TNPPF Act, in that case, the case of petitioner seeking ratification is well founded, whereas, once the entire area has been declared as an elephant corridor in the interest of the wildlife particularly asian elephants is a paramount consideration. When the sale is held to be void as per the statute, title normally reverts back to the vendor; however, as long as the petitioner is in possession, he can remain in possession and his possessory rights will be protected unless the original owner has not filed any suit for recovery of possession.



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78. Such view of the matter, since, the petitioner is in continuous possession, the petitioner shall remain in the land and use the lands in an eco-friendly manner without causing any disturbance to the elephants by erecting any artificial barriers such as electrical fences, power fences, solar fences etc., We make it clear that the area will not be permitted for any commercial activities.

79. In all the other writ petitions, arguments were also advanced by the respective learned counsel for the petitioners regarding the issues as discussed above. Since these writ petitions also assail the findings rendered by the Inquiry Committee in relation to either 'plan of action report', 'twin action taken reports', 'variance in acreage' or 'arbitrary sealing of the resorts notwithstanding the existence of valid title and approvals' and also the demolition orders passed by the Executive Authority of concerned Panchayat, this Court deems it appropriate to record its common findings and the reasons thereof on an issue-wise basis.

Similar treatment as Mr.Alok Guptha

80. It is also contended that a similarly situated person namely Alok Guptha was given an exemption and the same exemption should be meted out to the petitioners also. It is to be noted that on examination of papers and on inspection, the



Inquiry Committee has recorded the fact that the building of Alok Guptha was not used for commercial purposes and used as residential premises. Therefore, merely, because, an exemption was granted to the neighboring owner, wherein, no commercial activities were found out by the authorities, it cannot be said that same treatment should be given to all others who are using the premises for commercial purposes.

Appeal under Section 80-A of the Town and Country Planning Act

81. As far as the appeal filed by the respective petitioners under Section 80-A of the Town and Country Planning Act against the sealing order is concerned, this Court is of the view that the very filing of the appeal after the matter is seized by the Court and selectively passing the order by the authorities is nothing but only in order to patronize somebody.

Electricity Consumption

82. Though petitioners in several writ petitions contended that electricity consumption are meager and they are not carrying on any commercial activities, this Court is of the view that the electricity charges cannot be a sole criterion to decide whether the petitioners are running commercial activities or not otherwise. The Inquiry Committee, on ground has found that the petitioners are using the premises



for commercial purposes.

Grant of permission

83. It is relevant to note that there are specific provisions available under the Tamil Nadu District Municipalities Act, 1920 with regard to grant of permission under Section 217-D to Chapter X-A. Section 217-DD makes it clear that for any building which exceeds 250 square meters, the building permission should be given by the District Collector and under 250 square meters, the Executive Authority can issue building permission. The parties have obtained planning permission from the Executive Authority/local body under Section 217-DD as if the building is below 250 sq. mts and several building planning have been obtained and converted the building as commercial building which itself is nothing but fraud played by the parties to run the commercial activities. When the building is used for any other purposes other than what is specified in license, the license itself can be cancelled by the authorities under Section 217-E of the Tamil Nadu District Municipalities Act, 1920. Section 217-J also empowers the authorities to take action to demolish such building which is constructed in violation of provisions of law. Therefore, when the massive violations have taken place and permissions have been obtained under the pretext of residential building and converting the use of the building for commercial purposes, it cannot be said that all the permissions granted by the Executive Authority should be legalised. The mass construction in the forest area particularly in



the main elephant corridor area indicate the fact that the Executive Authority of the particular village has joined hands in glove with the private resort owners in allowing several constructions to come up in the pristine area.

84. With regard to the contention of one of the learned senior counsel that once an approval is obtained from the building once a building is constructed with a plinth area below 250 square meters, the requirement under law is only to obtain permission from the local panchayat. If at all the owner proposed to put an additional construction, he may seek permission from the Panchayat once again, the Panchayat would get the necessary endorsement from the AAA Committee before granting approval. No doubt, first proviso to Rule 4 of the Tamil Nadu Panchayat Building Rules, 1997 clearly prescribes the procedure and conditions for obtaining building permission within Panchayat limits and mandates compliance not only in respect of the initial construction but also for any subsequent additions or alterations. First Proviso to Rule 4 of the Tamil Nadu Panchayat Building Rules, 1997 reads as follows:

“4. Application for approval of sites for buildings and huts.

...

Provided that the construction or reconstruction or addition or alteration to residential houses, all such other public buildings like commercial buildings, hotels, resorts and factory buildings exceeding a plinth area of 250 square metres in the Panchayats of Nilgiris District shall be approved by the Executive Authority after obtaining the permission of the Committee for Architectural and Aesthetic Aspects



headed by the Collector of the Nilgiris district”

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85. The above proviso makes it clear that the Panchayat is not an independent sanctioning authority in such matters within notified sensitive zones, and the endorsement of the AAA Committee is a sine qua non. Merely because the Executive Authority has not obtained permissions from the AAA Committee headed by the District Collector as contemplated in the above proviso to Rule 4 of Tamil Nadu Panchayat Building Rules, 1997, this Court is of the firm view that such license granted by the Executive Authority of concerned Panchayat cannot be legalised and the commercial activities cannot be permitted in the elephant corridor causing hindrance of their movements.

Notification in S.O.No.4498 (E) dated 17.12.2019

86. Much emphasis has been made to the notification in Notification in S.O.No.4498 (E) dated 13.12.2019 issued by Ministry of Environment, Forest and Climate Change permitting the commercial activities in eco-sensitive zones. We have also gone through the notification. Clause 3(a) of the notification makes it clear that all new eco-tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be as per the Tourism Master Plan for the Eco-sensitive zone. We are of the view that the objections of the said notification cannot be extended to persons who have violated all the building norms and indulged in the



commercial activities in the area which is already notified as private forest under the

TNPPF Act.

87. It is also to be noted that the Hon'ble Supreme Court in paragraph 40 in the Civil Appeal Nos.3438 to 3439 of 2020 vide order dated 14.10.2020 has held as follows:

*"40. Furthermore, since the impugned decision of the High Court, the Ministry of Environment, Forest and Climate Change vide its Notification S.O. 4498(E) dated 13.12.2019 has declared the entire area in question and adjoining areas around the Mudumalai Tiger Reserve as an Eco-Sensitive Zone. Under this Notification, the State Government of Tamil Nadu has been expressly directed to regulate land use generally, as well commercial establishment of hotels/resorts specifically, in the Eco-Sensitive Zone so established. As was held by this Court in M.C. Mehta v. Union of India and Ors. 3 the "Precautionary Principle" has been accepted as a part of the law of our land. Articles 21, 47, 48A and 51A(g) of the Constitution of India give a clear mandate to the State to protect and improve the environment and to safeguard the forests and wild life of the country. It is the duty of every citizen of India to protect and improve the natural environment including forests and wild life and to have compassion for living creatures. The Precautionary Principle makes it mandatory for the State Government to anticipate, prevent and attack the causes of environmental degradation. **In this light, we have no hesitation in holding that in order to protect the elephant population in the Sigur Plateau region, it was necessary and appropriate for the State Government to limit commercial activity in the areas falling within the elephant corridor"***

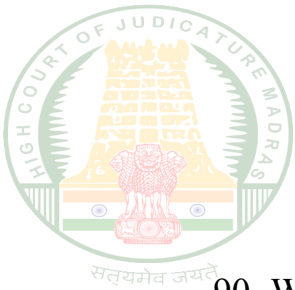
88. Therefore, once again, very same arguments cannot be pressed into service. Further, while passing the clarification order in MA.Nos.2108 – 2109 of 2024 seeking clarifications in Civil Appeal Nos. 3438 – 3439 of 2020 dated



20.12.2024 has clearly clarified that by examining the question of scope or the remit of the Inquiry Committee, the findings recorded by this Court, including findings on issues and contentions which could have been raised but were not raised by any of the parties, will not be examined or decided by the High Court. **Therefore, when the parties have already raised submissions before the Hon'ble Apex Court and also, they could have raised the issue that were not raised, now, they cannot be permitted to raise the same ground.**

Directions with regard to the vacating and demolition

89. As far as the planning permission is concerned, though the petitioners had relied upon the planning permission, it is relevant to note that under Chapter X-A of the Tamil Nadu District Municipalities Act, 1920, any building which exceeds 250 square meters, the building permission should be given by the District Collector and to avoid such aspects, planning permission was conveniently obtained from the Executive Authority in different applications and construction was put up in larger extent for commercial purposes, different planning permissions were obtained only to avoid legal restrictions. When the building was used for commercial purposes after obtaining residential permission, such a license cannot be said to be valid in the eye of law.



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90. When the building was constructed violating the provisions of the law and having obtained planning permission for residential purposes, thereafter, using it for commercial activities, such building in the eye of law is not legally constructed and the same cannot be permitted particularly keeping in view that the commercial activities should be completely stopped in the area for free movement of elephants.

91. The very intention and object behind bringing the elephant corridor is to protect the elephants. While disposing the appeal, the Hon'ble Supreme Court in paragraph 35 in Civil Appeal Nos.3438 to 3439 of 2020 vide order dated 14.10.2020 has held as follows:

*" 35. Legal intervention in preservation of these corridors has been necessitated because wildlife corridors are threatened by various social, economic and anthropogenic factors, as noted above. **Commercial activities such as running of private resorts and construction of new buildings with barbed and electric fences within elephant corridors pose a serious threat of fragmentation and destruction of habitats.** The long-term survival of the species depends on maintaining viable habitats and connecting corridors which maintain variance in the species' gene pool and avoid other risks associated with habitat fragmentation and isolation of species.*

Emphasis supplied

92. Therefore, the above dictum of the Hon'ble Apex Court makes it very clear that commercial activities shall not be allowed in the corridor. However, the Hon'ble Apex Court taking note of the submissions that certain resorts owners have



permissions and their lands are outside the area declared as corridor has in fact constituted a committee to look into the issue and the Committee has found on personal inspection that large scale of commercial activities which are rampant and the building permissions have been misused as buildings were used for different purposes, all these facts lead to only fact that all the resort owners set up building to get permissions under the pretext of residential building and using it for commercial purposes which cannot be permitted in the eye of law. Though property rights of the parties also arises, the fact remains that commercial activities can never be permitted which causes hindrance to the movements of the elephants. Therefore, the order of demolition of the illegal construction in view of this Court does not require interference, however, the direction to hand over the possession of the property to the Government alone cannot be sustained in the eye of law. The parties who purchased the lands and using the lands for agricultural purposes are free to hold the lands in eco-friendly manner without causing any disturbance to the elephants, without any artificial barriers such as electrical fences, power fences, solar fences etc.,

93. Most of the private patta land owners' lands were already notified under the TNPPF Act. That apart, as per the dictum of the Hon'ble Supreme Court **'Corridors are narrow and linear patches of forest which establish and facilitate**



connectivity across habitats’. Such view of the matter, in order to protect the elephants free movement, the commercial activities should be completely banned in the elephant corridor. In paragraph 35, the Hon'ble Supreme has held as follows:

" 35. Legal intervention in preservation of these corridors has been necessitated because wildlife corridors are threatened by various social, economic and anthropogenic factors, as noted above. Commercial activities such as running of private resorts and construction of new buildings with barbed and electric fences within elephant corridors pose a serious threat of fragmentation and destruction of habitats. The long-term survival of the species depends on maintaining viable habitats and connecting corridors which maintain variance in the species' gene pool and avoid other risks associated with habitat fragmentation and isolation of species."

94. Taking note of the fact that large scale of private lands are declared as corridor and all electric fences and barbed wires are prohibited, we are aware that it is very difficult for the land owners to continue their avocation particularly activities like agriculture, plantation etc., Hence, we place on record the following facts where the Government has taken different stands in these matters at different stages. When a writ petition was filed in W.P.No.10098 of 2008 before this Court, the stand of the Government before a Division Bench of this Court is that the tribals and other forest dwellers residing within the corridor, their rights will be protected and they will not be evicted from the corridor and the remaining private patta lands will be acquired by the State Government to ensure that the corridor is free from any outsiders, except the tribals or other forest dwellers. Based on the said submission, this Court vide



order dated 10.09.2009 has recorded as follows:

" "4. After hearing the parties, *prima facie*, it appears that the following procedure may required to be followed:

(i) Forest department, which has the knowledge of movement of elephants in the corridor, may identify and inform the same;

(ii) the State Government may publish the information regarding the elephant corridor and the area, in leading newspapers and also by drum beating/tom tom, calling for objections of locals, if any, in the area in question;

(iii) after hearing the locals, particularly those who may be affected, they may finalise the elephant corridor from which unauthorised occupants are to be evicted;

(iv) to ensure that scheduled tribes and other forest traditional dwellers are not affected, it is required to identify the other traditional forest dwellers in terms with the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Tribes) Rules, 2007; and

(v) only after the recommendation and recording their names in the appropriate register, they may proceed with eviction, by giving notice in the newspaper, by drum beating/tom tom and by giving individual notice to the unauthorised occupants.

5. So far as the acquisition of the land is concerned, if any private land is required to be acquired, they will have to follow the procedure under the Land Acquisition Act. *Prima facie*, as the tribals and other forest dwellers cannot be evicted from the unauthorised lands, their lands need not required to be acquired, if it is a forest land. Learned counsel for the parties are requested to give further suggestion in the matter, in the interest of public and elephants."

95. It is also relevant to note that the then Principal Chief Conservator of Forests has filed an Additional Reply Affidavit on behalf of the Government in WP.No.10098 of 2008, dated 08.09.2008, wherein, it is clearly stated that there are some private lands in patches in the Moyar Elephant corridor area which is essential for free movement of elephant. Hence, the acquisition of private patta lands to an



extent of 515.22 acres at a cost of Rs.1545.66 lakhs has been proposed. Similarly, another important Elephant Corridor Kallar-Jaccanari is also proposed to be acquired. The Government has accepted in-principle for acquisition of 583.42 acres of patta land for elephant corridor, the amount required to acquire is 19.36 crores. Therefore, it was decided to send a proposal to the Government of India to allot 10 crores under Project Elephant for the year 2008-2009. In this regard, it is further stated that the proposal is under active consideration of the Government. The District Collector, The Nilgiris who filed a counter also reiterated the proposal for acquisition of land. When the writ petition came up on 13.09.2008 before the First Bench presided by the Hon'ble Chief Justice of this Court, the said submission was made before this Court and the same is recorded as follows:

" 3. Learned Government pleader appearing for the State submits that the State Government will forward such a proposal to the Central Government within two weeks from date. On the basis of the said proposal to be sent by the State Government, the Central Government will communicated its response to the State Government and an affidavit to that effect should be filed before us by the learned Standing Counsel for the Central Government within four weeks after the reopening of the Court. In the meantime the District Collector, The Niligiris is directed to remove all encroachments from the revenue land which has been identified for development of the Elephant Corridor."

96. Thereafter, an Expert Committee was set up in pursuance to the direction of this Court in WP.No.10098 of 2008, 2762 & 2839 of 2009 to identify the elephant corridor, wherein, the Expert Committee has clearly suggested that all the private land and estate land shall also be notified as Reserved Forests, as soon as such areas



are acquired by the Government. Similarly, also suggested that all the revenue lands to be transferred to the Forest Department shall also be notified as Reserved Forests under the provision of Tamil Nadu Forest Act, 1882.

97. The Government having accepted the report of the Expert Committee and identified the elephant corridor very conveniently failed to honor their commitment to acquire the private lands for the reasons best known to them. In fact, the Government has issued a Government Order in G.O.(Ms).No.93, Environment and Forests (FR.V) Department dated 21.08.2007 for acquisition of patta lands in Kallar-Jacannari corridor. Similarly, the Government has issued a Government Order in G.O.(Ms).No.154, Environment and Forests (FR.V) Department dated 15.11.2011 for the acquisition of patta land in Moyar Elephant corridor. Later, the Government issued a Government Order in G.O.(Ms).No.97, Environment and Forests (FR.V) Department dated 28.03.2012 withdrawing the G.O.Ms.No154 dated 15.11.2011. In fact, a writ petition was filed before this Court in WP.No.27734 of 2011 and the same was disposed on 10.04.2012 recording the submission made by Mr.P.S.Raman, learned senior counsel for the petitioner therein that the Government has passed G.O.(Ms).No.97, Environment and Forests (FR.V) Department dated 28.03.2012 withdrawing the G.O.Ms.No154 dated 15.11.2011 and has also given an assurance that they will go on with the implementation of the project as per the order of this



Court dated 07.04.2011 passed in WP.No.10098 of 2008 etc., batch notified in G.O.Ms.No.125 dated 31.08.2010 in the interest of wild life, particularly elephants, so as to notify and improve the elephant corridor.

98. It is relevant to note that this Court in WP.No.10098 of 2008 vide order dated 07.04.2011 has clearly recorded the stand of the Government for acquiring the land. It is the contention of the learned Additional Advocate General that this Court in paragraph 23 of the order dated 03.12.2009 in WP.No.10098 of 2008, has held as follows:

" 23. On such finalisation, it will be open for the State to decide:

(a) Whether the private lands which are falling within the Elephant Corridor, do not belong to Scheduled Tribes and other traditional forest dwellers, who have a right under the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and whether such lands should be acquired. If the decision is taken to acquire the lands, they will follow the regular procedures as laid down under the provisions of the Land Acquisition Act.

(b) If the State Government, in the meantime, wants to take over the management of the private forest, it may do so in terms of Section 3 of the Tamil Nadu Private Forests (Assumption of Management) Act (LV of 1961), so as to enable the elephants to pass through the corridor without any hindrance till the lands are acquired."

99. It is relevant to note that after seven months of disposal of the above writ petition in WP.No.10098 of 2008 dated 07.04.2011, when a writ petition was filed in WP.No.27734 of 2011, counter affidavit has been filed by the Principal Secretary to



Government, Environment and Forests Department dated 30.01.2012, wherein, it is their stand that for acquiring the patta lands in Moyar Valley Elephant Corridor and Kallar-Jaccanari Elephant Corridor, the Government of India sanctioned a sum of Rs.400 lakhs under the scheme of Integrated Development of Wildlife Habitats. Out of sanctioned amount, the Government of Tamil Nadu accorded administrative sanction and released a sum of Rs.325 lakhs as first instalments towards the expenditure for the implementation of project. The relevant paragraph reads as follows:

" 7) It is respectfully submitted that the Government of India sanctioned Rs.400.00 lakhs under the scheme of Integrated Development of Wildlife Habitats for acquiring of patta lands in Mayor Valley Elephant Corridor and Kallar Jaccanari Elephant Corridor for the year 2008-09. Out of the sanctioned said amount, the Government of Tamil Nadu accorded administrative sanction for 400.00 lakhs and released a sum of Rs.325 lakhs as first installment towards the expenditure for the implementation of the project. The negotiation for acquisition of land with the concerned parties have been pursued by the Committee. After following all the procedures, out of 76.95 acres of patta lands, an extent of 13.49 acres of patta land falling in S.No.236/1 of Jaccanarai village has been registered in the name of District Forest Officer, Nilgiris North Division on 28.03.2011 and an expenditure of Rs.70 lakhs has been incurred. Action on the Survey No.246/2 and 246/3 for the balance area of 63.46 acres is under process."

100. The above would clinchingly indicate the stand of the State Government is to go for acquisition. Therefore, we are of the definite view that if such acquisition was made at the relevant time, all these problems would not have arisen at all and the rights of the parties would have been taken care of. Having notified the elephant



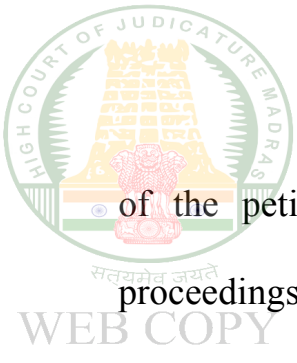
corridor which is the need of hour to protect the elephants' movement, at the same time, the Government has to balance the rights of the parties also. The Government cannot be a mute spectator. Allowing the persons to continue in possession of the property when the entire area has been notified and since all the barbed wires, electric fences have been removed, it will be an additional difficulty for them to even carry on agriculture, plantation etc., which will lead to the situation that the property cannot be used by the owners for any purpose other than commercial activities.

RESULTS

101. In view thereof, all the writ petitions stand disposed of in the following terms:-

a) The findings of the Inquiry Committee stand confirmed, except for the finding with regard to the handing over of the properties to the Government. The parties who purchased the lands are free to hold the lands/cultivate in an eco-friendly manner without causing any disturbance to the elephants, without any artificial barriers such as electrical fences, power fences, solar fences etc.;

b) Having decided to acquire the lands of the parties, the Government cannot go back. As the rights of the private patta owners are also at stake, we are of the view that the Government has to necessarily balance the rights of the parties by acquiring the lands of the private patta land owners. Therefore, in order to safeguard the rights



of the petitioners, we direct the State Government to initiate the acquisition proceedings in respect of the private lands which are notified in G.O.Ms.No.125, Environment and Forest (FR.5) Department dated 31.08.2010 and other lands in which comes within the sketch and boundaries and also the lands in respect of which proposal is also sent by the District Collector in RC.No.U6/55722/2006 dated 28.04.2018. Now, it is also stated by the learned Special Government Pleader (Forests) that a team is constituted for the demarcation of boundaries, verification of ownership records, correlation with FMB sketches and GPS-based mapping to establish the exact location of the missing survey numbers.

c) Further, since the entire landscape is an highly sensitive area and comes within the Nilgiris Biosphere spanning around 5000 square meters, keeping the revenue lands adjacent to the elephant corridor, sanctuary and buffer zone will only lead to further destruction, encroachments and developmental activities. Therefore, this Court in the paramount interest of preserving the forests/corridor and its ecosystem also directs the State Government to notify all the revenue lands which are situated adjacent to elephant corridor, sanctuary, buffer zone in and around Mudumalai Tiger Reserve as Reserved Forests under the Tamil Nadu Forest Act, 1882 to the Forest Department; in tune with the recommendation of the Expert Committee dated 13.10.2009 even before notifying the elephant corridor in



G.O.Ms.No.125 dated 31.08.2010.

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d) Let the acquisition proceedings be completed in a phased manner so that the grievances of the parties are addressed, since all commercial activities are completely banned in the area. The acquisition proceedings shall be initiated immediately, no later than six months from the receipt of a copy of this Order.

There shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

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

12.09.2025

Index : Yes/No
Neutral Citation : Yes/No
dhk

To:

1.The Additional Chief Secretary to Government
The State of Tamil Nadu
Environment, Climate Change and Forests Department
Fort St.George, Chennai – 600 009

2.The Chairman
The Segur Plateau Elephant Corridor Inquiry Committee
Forestry Extension Campus
Gymkhana Club Road
Finger Post, Udhagamandalam – 643 006
The Nilgiris District, Tamil Nadu

3.The District Collector, The Nilgiris District



W.P.Nos.26182 of 2023 etc., batch cases

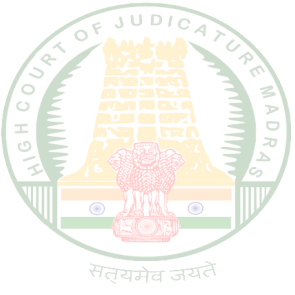
Collectorate, Charring Cross
Udhagamandalam – 643 001
The Nilgiris.

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N. SATHISH KUMAR, J.
AND
D. BHARATHA CHAKRAVARTHY, J.

dhk

W.P.Nos.26182 of 2023 etc., batch cases



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W.P.Nos.26182 of 2023 etc., batch cases

12.09.2025
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