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W.P.No.15120 of 2019, etc., batch and WMPs

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15120 of 2019

& W.M.P.No.31696 of 2023, 15112 of 2019 and 24121 of 2024

W.P.No.11049 of 2023 & W.M.P.Nos.10932 of 2023

W.P.No.6315 of 2024 & W.M.P.No.7023 of 2024

W.P.No.6864 of 2024 & W.M.P.No.7661 of 2024

and

W.P.(MD) No.10348 of 2024 & W.M.P.(MD) No.9321 of 2024

G.Subramania Koushik

S/o.R.Gopal Iyer, No.47, Vijaya Nagar Place Road, Near Rose Garden, Ooty,
The Nilgiris District 643001.

..... Petitioners

-versus-

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

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

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

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



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

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

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

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

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

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

11. The Transport Commissioner,
Government of Tamil Nadu, Commissionerate of Transport and Road Safety,
Ezhilagam, PWD Estate, Chepauk, Triplicane, Chennai – 600005.

(R10 AND R11 ARE SUO MOTU IMPEADED
AS PER ORDER DATED 24.11.2022 IN
WP.15120/2019)

12. Shantha Thiagarajan,
Late Shri.D.Thiagarajan, No.201-B, THIAGS Missionary Hill,
Udhagamandalam,
The Nilgiris 643002.

(R12 IMPEADED VIDE ORDER DT 16.03.2023 MADE IN
WMP.8577/2023 IN WP.15120/2019)

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

14. The Additional Chief Secretary,



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Department Of Tourism, Culture And Religious Endowments Department,
Government Of Tamil Nadu, Secretariat, Fort St. George, Chennai.600 009.

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(R13 and R14 are Suo Motu Impleaded as per order dated
19.03.2024 in WP No.15120 of 2019)

15. The Secretary To The Ministry Of
Road Transport And Highways, Transport Bhawan, No.1, Parliament Street,
New Delhi.110 001.

(R15- Suo Motu impleaded as per order dated 04.11.2024 in WP
No.15120/2019)

..... Respondents

For Petitioner(s)	: Mr.T.V.Suresh Kumar for M/s.Genicon Associates
For Respondent(s)	: Dr.T.Seenivasan, Spl.Government Pleader (Forest) for RR1, 2,7,8,10,11,13 & 14 Mrs.A.Srijeyanthi for R4 Mr.R.Srinivas, Senior Counsel for Mr.K.Madhan for R12 Mr.V.Chandrasekaran, SPC for R15 Mr.T.Mohan, Senior Counsel (Amicus Curiae) Mr.M.Santhanaraman, Advocate (Amicus Curiae) Mr.C.Mohan, Advocate (Amicus Curiae) Mr.Rahul Balaji, Advocate (Amicus Curiae)



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COMMON ORDER

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(A) WM.P.No.31696 of 2023 in W.P.No.15120 of 2019

(i) Issue of vertical cutting:

Mr.R.Srinivas, learned senior counsel appearing for the petitioner (W.M.P.No.31696 of 2023) would mention the matter with reference to an action of vertical cutting happening in the Ooty-Kothagiri Road.

2. When the matter was passed over, Dr.T.Seenivasan, learned Special Government Pleader (Forest) submitted that it was not vertical cutting, but reinforcing the wall with the technology called '**soil nailing**'. There was no any necessity to expand the road or to vertically cut.

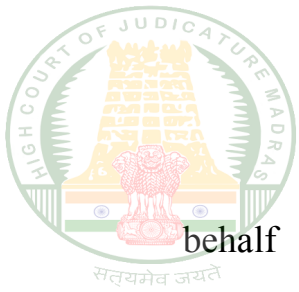
3. Let proper affidavit be filed before this court explaining the same.

4. **Call on 04.03.2025.**

5. Mr.C.Mohan, learned *Amicus Curiae* shall also visit the place and file his report on the next date of hearing.

(ii) Issues relating to road safety, and boom barriers on NH:

With reference to the direction issued on 08.11.2024 by this Court, Mr.V.Chandrasekaran, the learned Senior Panel Counsel appearing on



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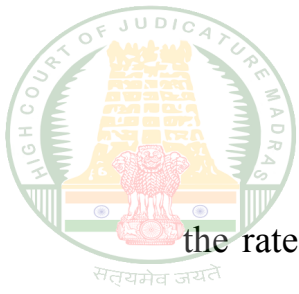
behalf of the National Highways produced a communication dated 04.02.2025 by which it is stated that already tender was floated for the works with reference to the earth slip areas and the financial bids are about to be opened on 06.02.2025 as such the work order will be given thereafter and the work will be completed well within the time. The same is recorded.

2. For filing further status report call on 19.03.2025.

(B) **W.P.No.15120 of 2019 and W.M.P.No.24121 of 2019 and W.P.Nos.11049 of 2023, 6315, 6864 & W.P.(MD) No. 10348 of 2024**

BUY BACK SCHEME:

With reference to buy back scheme, the status report is filed on behalf of the 5th respondent. The details of collection of empty bottles with reference to the 16 Districts, in which the scheme has so far been implemented is given in page No.2. It is stated that a total number of 77,70,55,496 bottles were sold. Out of the said bottles, 46,39,83,116 bottles were returned by the customers, through retail vending shops. 29,09,04,636 bottles were returned in the Bar attached with the retail vending shops. The individual customers have returned another 75,48,87,752 bottles and got back the Rs.10/- for each bottle. 2,21,67,744 empty bottles remain unreturned. Therefore, the total return is 97%. The extra amount collected at



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the rate of Rs.10/- per bottle is also given as Rs.7,77,05,54,960/- of which Rs.7,54,88,77,518/- is the amount refunded and the balance amount is stated as Rs.22,16,77,442/-. Of the balance amount of Rs.22,16,77,442/-, a sum of Rs.15,94,000/- has already been deposited into a separate account. The balance will also be deposited in due course.

2. This apart the details of the sale of the empty liquor bottles is also given in paragraph No.4 of the Status Report. The quantity of amount which is realized by sale of empty liquor bottles with reference to each of the 16 Districts is given. A total sum of Rs.16,83,92,660/- is realized by the sale of the bottles and the same will be deposited and maintained in a separate account. The process of computerization is also under process and the same is expected to be completed by April 2025.

3. One more issue which is brought to the notice of this Court is that the seal which consists of a hologram and other serial number etc., which is affixed by the Excise Department is made of non-disposable plastic material. Further, it is brought to our notice that after the orders of the Court in several other States such as in Karnataka, it is made up of paper and bio-degradable material.

4. In this regard, the learned counsel appearing on behalf of the TASMAC is requested to come up with a solution and also file a status



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report in this regard and as to the proposal that has to be made by the Excise

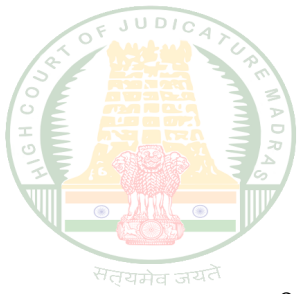
Department as well as the TASMAC.

5. The learned counsel submits that once the Bar Code or QR Code has been implemented by the manufacturer then the same will be used to track the liquor bottles. It is for the respondent to come up with the system.

6. With reference to the grievance expressed by the employees, it is stated in paragraph No.5 of the Status Report that a committee is also constituted by the Managing Director for redressal of the grievances of the employees. The employees will be entitled to bring it to the notice of the appropriate committee of their region, with reference to the workload and all such grievances which they have. The committee shall consider the same for redressal.

7. Apart from the bottles, the bottle caps also make their way to the environment. The same is also hazardous. Therefore, the learned counsel appearing on behalf of the 5th respondent is requested to place on record, in the next status report, as to what can be done with the bottle caps which are collected in the retail outlets as well as in the Bars.

8. Further status report may also be placed on record, the duties that are imposed on the manufacturers of the bottles, including the printing of the holograms, QR Code or Bar Code or appropriate technology etc.,.



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9. Call this matter on 03.04.2025.

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(C) W.M.P.No.15112 of 2019 in W.P.No.15120 of 2019

BAN ON USE OF PET BOTTLES / SINGLE USE PLASTIC PRODUCTS:

Post for orders.

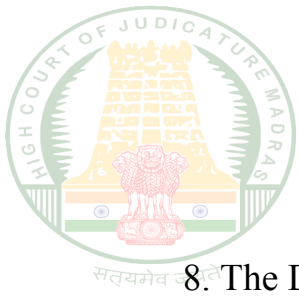
[N.S.K., J.] [D.B.C., J.]

04-02-2025

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To

1. The Principal Secretary to Government of Tamil Nadu, Environment and Forest Department, Secretariat, Fort St.George, Chennai 600 009.
2. The District Collector,
The Nilgiris District, Collectorate, Ooty 643001.
3. The Commissioner,
Education Officer, Kancheepuram.
4. The Commissioner,
Coonoor Municipality, Coonoor, The Nilgiris District.
5. The Commissioner,
Gudalur Municipality, Gudalur, The Nilgiris District.
6. The Commissioner
Kotagiri Town Panchayath, Kotagiri, The Nilgiris District.
7. The Filed Director,
Mudumalai Tiger Reserve, Mount Stuart Hill, Ooty, The Nilgiris.



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8. The District Forest Officer,
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13.The Additional Chief Secretary,
Department Of Tourism, Culture And Religious Endowments Department,
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15. The Secretary to The Ministry Of
Road Transport And Highways, Transport Bhawan, No.1, Parliament Street,
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N.SATHISH KUMAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

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