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W.P.No. 15120 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P. No. 15120 of 2019
and W.M.P.NO. 8422 of 2024**

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

Petitioner(s)

Vs

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

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

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

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



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

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

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

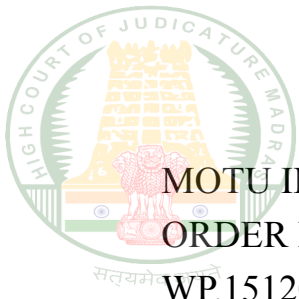
8.The District Forest Officer,
The Nilgiris District, Mount Stuart Hill,
Ooty -643001.

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

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

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

600005 (R10 AND R11 ARE SUO



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

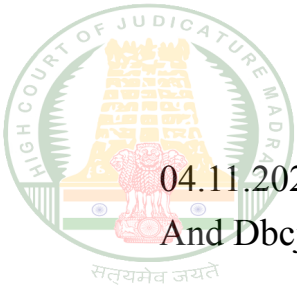
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12. Shantha Thiagarajan,
Late Shri.D.Thiagarajan, No.201-B,
THIAGS Missionary Hill,
Udhagamandalam, The Nilgiris
643002. (R12 IMPLEADED VIDE
ORDER DT 16.03.2023 MADE IN
WMP.8577/2023 IN WP.15120/2019
BY NSKJ, DBCJ)

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

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

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



W.P .No. 15120 of 20



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

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Respondent(s)

WMP No. 8422 of 2024

1. G.Subramania Koushik
S/o.R.Gopal Iyer, No.47, Vijaya Nagar
Place Road, Near Rose Garden, Ooty,
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04.11.2024 In Wp.15120/2019 By Nskj
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Respondent(s)

WP No. 15120 of 2019

For Petitioner(s):	Mr.T.V.Suresh Kumar M/s Genicon & Associates
For Respondent(s):	Mr.P.S.Raman, Advocate General Assisted by Dr.T.Seenivasan Spl.GP for RR1,2,7, 8, 10, 11, 13, 14 Mrs.A.Sri Jeyanthi For R4



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W.P.No. 15120 of 20



Mr.R.Srinivas, SC
for Mr.K.Madhan for R12
Mr.V.Chandrasekaran, SPC
for R15
M/s.T.Mohan, Senior Counsel
and
Mr.M.Santhanaraman
Amicus Curiae
Mr.C.Mohan, Amicus Curiae
Mr.Rahul Balaji, Amicus Curiae

ORDER

(Order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.,)

E-Pass / Carrying Capacity:

This matter concerns determining the maximum carrying capacity for the Nilgiris and the Kodaikanal Hills in Dindigul District, given the vast numbers of people and vehicles thronging these areas. A series of orders have been issued by us starting in February 2024. It was noted that there is a significant risk of landslides, environmental degradation, and harm to wildlife, among other concerns. The dangers are imminent and require urgent measures. Therefore, the regulation of excessive tourist influx is being considered by this Court. Relevant

factors, including the number of vehicles, are being documented. A system of e-



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pass was introduced and has been in effect since March 2024. The Government decided to appoint two expert institutions, the Indian Institute of Technology, Chennai, and the Indian Institute of Science, Bengaluru, as consultants to conduct a study and suggest the carrying capacity of these hills using an eco-centric approach.

2. Originally, we directed that the study be completed before the start of this year's summer tourist season. However, even though the practice of issuing the e-pass was in vogue, due to a lack of infrastructure and various other reasons, not all vehicles were issued with the e-pass, and the process itself was streamlined only in January 2025. Now, automatic number plate recognition cameras are being installed, and the installation of boom barriers is under process.

3. Experts have stated that without the correct data concerning tourists and vehicles, which includes both seasonal and off-season information, determining the carrying capacity is not possible. Consequently, since more



accurate data is available starting from February 2024 and is expected to be

further refined, experts are requesting an additional 6 to 9 months to submit a

report. Based on this study alone, the carrying capacity can be established.

4. Pending the decision-making process, it is evident that each month, even on weekends, severe traffic jams extend from the foothills to the hill-stations hindering the movement of people. Residents of hills struggle to reach hospitals during emergencies. All agricultural activities and other endeavors are completely paralyzed. Tourists too face hours of chaos and gridlock, severely diminishing their overall experience. Due to overcrowding at tourist spots and surrounding areas, people are venturing into the deep forest and restricted areas, which lead to human-animal conflicts and damage to eco-sensitive and protected areas. Numerous offenses also occur, and even the pristine, eco-sensitive areas are being invaded. There is a significant amount of litter, plastic, and other waste scattered throughout the forest and on the hillside. The most pressing danger arises when a massive weight in the form of vehicles, along with unregulated visitors, is placed atop the hills, while bases and peripheries



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are continuously cut, scraped, and excavated to widen roads, straighten bends, and establish new connections. This constant disruption makes the areas imminently vulnerable to a serious landslide disaster, endangering many humans, animals, and the very existence of the pristine Western Ghats. The pressing emergency is to prevent such a tragedy.

5. In our order dated 29.04.2024, we have encapsulated all the other devastation as well. It was also noticed that except for littering and gathering, tourists are unable to visit many tourist spots. Everyone becomes a prisoner in their own vehicle and is stranded, especially during a traffic jam and cannot even get down to make a purchase, and the traders and the local community are the worst affected. Even inside the protected areas and across the reserve forest, vehicles are stranded at night, that is closed for night traffic based on the orders of this court dated 27.08.2009 made in W.P.No.16907 of 2009, which severely impacts wildlife and their ability to move around, especially crossing over to the other side across the road. The unregulated humongous volume of vehicles results in people sleeping in open areas and along the roadside during the nights,



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leading to several other complications, including endangering their lives, criminal offences, wildlife offences and health hazards. Not to mention the grave situation regarding solid waste management, particularly the lack of toilet facilities for these individuals. The danger posed by human excreta/open defecation is grave.

6. At this juncture, special mention has to be made of tourist buses with long chassis, which pose a huge danger while manoeuvring the hairpin bends. They frequently become stranded on steep slopes, blocking the roadways on either side. Most of the time, these vehicles, as well as those driven by tourists, are operated by drivers who are inexperienced in handling difficult terrain.

7. Therefore, while the study is underway, the Court has been considering imposing a cap on the number of vehicles visiting the Nilgiris and Kodaikanal for the past year. Even though additional time is being granted to the respondent-authorities as the study is in progress.



concerns that people from the state and other states should not be prevented from visiting these areas, especially the poor and marginalised, who travel mostly as day-trippers.

9. We have also considered the above concerns. People can visit the Nilgiris and Kodaikanal without any e-pass if they choose to visit through the public transport system, that is, the public transport buses and the railways. Conversely, the number of vehicles reaching Nilgiris and Kodaikanal must be restricted. On an average, after installing number plate recognition cameras in the Nilgiris, the vehicle count in February(the off season) was around 3,000, with approximately 5,000 to 7,000 vehicles per day on weekends and 2,000 to 4,000 per day on weekdays. Similarly, in Kodaikanal, the count is said to be around 2,000 to 5,000 per day. The vehicles include buses, large vans, and two-wheelers.

10. The total number of commercial rooms and licensed home-stays available in the Nilgiris District is limited. There are 1,035 commercial

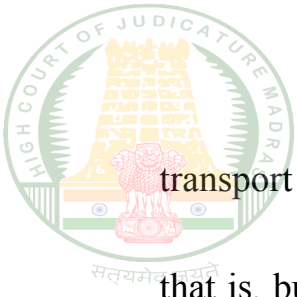


accommodations comprising 5,620 rooms, which can accommodate a maximum of 20,000 people per day as per the report filed by the District Collector.

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Additionally, there are around 575 licensed home-stays, capable of hosting another 3,000 people at most. Therefore, the daily maximum capacity to accommodate people is limited to 23,000. Furthermore, according to the guidelines established by the Indian Road Congress for two-lane hilly roads, the maximum number of vehicles allowed per day is 5,000 at high altitudes and 7,000 at low altitudes.

11. Since we are considering the imposition of a cap as an interim measure, we are not restricting to the optimal level but keeping it at a significantly higher level than that. Pending the completion of the study and recommendation for this year for the months of April - June 2025, we are of the view that the total number of vehicles that can be permitted to enter Nigiris shall be 6,000 per day on weekdays and 8,000 per day on weekends. Similarly, for Kodaikanal, the limit is set at 4,000 per day on weekdays and 6,000 per day on weekends. The District Collectors, in consultation with the tourism and



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transport departments, will determine the specific numbers of types of vehicles that is, buses, mini buses, vans, cars and two-wheelers that can enter the areas each day. The total shall not exceed the upper limit as indicated above. They shall also fix the cap for the vehicles entering through different roads/entry points within the overall cap. This system will be in effect for the peak season, starting from 01/04/2025 up to 30/06/2005.

12. The vehicles of local residents and goods vehicles used for agricultural or other purposes can be issued separate passes. These passes may be permanent or temporary and will not count toward the upper cap as prescribed above. However, their ingress and egress data must be included and maintained, and they cannot claim any exemption from stopping at the boom barriers or other checkpoints for capturing license plate numbers and other data.

13. The learned Advocate General submits that, concerning Kodaikanal, the District Collector of Dindigul has already issued a Notification in R.No.37073/A3/2024 dated 04.11.2024 stating that long chassis vehicles above



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12 meters in length will not be allowed in the hills; these vehicles must be parked at the foothills. It is submitted that a parking space has been identified, and the necessary facility will be provided. A similar notification shall be issued for the Nilgiris as well. Parking spaces at all entry points to the foothills shall be identified, and the facility shall be provided. Given that the number of vehicles is being restricted, and long chassis vehicles are also being prevented from entering the foothills, the Government shall endeavor to purchase mid-sized or small-sized electric vehicles to be operated and deployed for both climbing up and down the hills, as well as to provide hop-on and hop-off services throughout Kodaikanal and Ooty, connecting all tourist attractions, important locations, and spots. Specialized vehicles can be procured with specific features, such as fiberglass bodies and open designs, which will be appropriately sized for operation in Ooty and Kodaikanal, enhancing the tourist experience. It would be beneficial and would be open for the government to consider special operations through self-help groups, special cooperative societies of the tribal or local population, or public-private partnerships. The operations shall be guided by the Forest and the Tourism Departments. To facilitate the introduction and use of



more electric vehicles, the local bodies and the pertinent authorities shall promptly identify suitable locations for installing, operating, and maintaining electric charging points in all important and deserved locations.

14. Among the e-pass applications, first priority will be given to e-vehicles. Preference shall also be given to applications submitted for excursions from schools and colleges for children and students. At any event, e-passes shall not be issued more than the cap indicated in para 11 of this order, for each day. Necessary modification in this regard has to be made in the e-pass website of Tamil Nadu.

15. The District Collectors of Nilgiris and Dindigul shall ensure the fortification of entry points, the erection of boom barriers, and the installation of automatic number plate recognition cameras at all entry points in their respective Districts. The District Collectors shall also install CCTV cameras at all entry points so that the data collected through the physical checks and number plate recognition cameras can be reconciled. The recordings/footages



shall be preserved.

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16. The number of police personnel in both stations is already low, and the respective Superintendents of Police have requested additional personnel. Furthermore, the new system requires monitoring; e-passes should be verified at entry points, and random checks must be conducted. The Director General of Police is directed to consider the requests already made and those that will be made by the Superintendents of Police of Nilgiris and Dindigul Districts for the allocation and deployment of additional police personnel, and to approve the best possible additional strengths.

17. It is clear that we have already issued orders regarding the provision of water through the RO plant. Adequate water supply will also be ensured, including an increase in water ATMs/RO plants, both in Nilgiris and Kodaikanal. This way, tourists can visit without having to carry or purchase plastic water bottles, confident that they will find drinking water wherever they go. The report filed by the District Collector of Nilgiris indicates that the water



in Nilgiris has a low TDS level and can provide high-quality drinking water, as

noted in our earlier order. Therefore, this facility should be guaranteed by local

bodies as well as the Government.

18. Due care must be taken in collecting and disposing of solid waste.

Tourists should be strictly warned about the consequences of littering. An

adequate number of waste bins must be provided at all necessary points. Toilet

facilities must be significantly increased in the Nilgiris as well as in Kodaikanal.

Immediate steps should be taken to provide temporary/mobile toilets by

involving public/private methods, self-help groups, or other approaches as

considered appropriate by the local bodies concerned.

19. Campaigns on e-pass, a ban on long chassis vehicles, single-use

plastics bans, and efforts to avoid littering, along with visiting places with an

eco-centric approach and showing love towards animals and nature, shall be

promoted through short videos and presentations distributed via social media

and websites, displayed on all available screens, advertised in movie theaters



throughout the state, and publicized through print and electronic media across the country. Appropriate materials and announcements can be made at relevant

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airports, railway stations, and bus stands regarding these measures.

20. The authorities shall maintain constant vigilance regarding traffic flow and make arrangements for the temporary diversion of traffic at various entry points to facilitate access to the towns of Ooty and Kodaikanal, as well as within the towns. Wherever the authorities deem it necessary to establish a 'no vehicle zone' / 'exclusive pedestrian zones' to enhance the tourist experience, this shall be considered, and appropriate orders shall be issued. Additionally, where a one-way system needs to be declared, this shall be done, and necessary parking zones shall be notified and managed by the authorities.

21. To sum up, we recapitulate hereunder concisely the directions that have to be carried out by the authorities concerned:-

(i) For the months of April, May and June, 2025, pending the completion

of the study and recommendation, a total number of vehicles to enter the



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Nilgiris shall be restricted to 6,000 per day on weekdays and 8,000 per day on weekends. Insofar as Kodaikanal is concerned, the limit shall be set at 4,000 per day on weekdays and 6,000 per day on weekends.

(ii) Separate passes shall be issued for the vehicles of local residents and goods vehicles used for agricultural or other purposes. Such passes may be either permanent or temporary and will not count toward the upper cap as prescribed above.

(iii) Tourist vehicles with long chassis above 12 meters in length shall not be allowed in the hills, and such types of vehicles must be parked at the foothills. The restriction applies for the tourist vehicles as stated above, and not for the regular route buses/omni buses operated on a daily permit basis.

(iv) Parking spaces at all entry points to the foothills shall be identified and appropriate facilities shall be provided.

(v) The government shall endeavour to purchase mid-sized or small-sized electric vehicles to be operated and deployed for both climbing up and down the hills as well as to provide hop-on and hop-off services throughout Kodaikanal and Ooty, connecting all tourist attractions, important locations and spots.



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(vi) To facilitate the introduction and use of more electric vehicles, the local bodies and the authorities concerned shall promptly identify suitable locations for installing, operating, and maintaining electric charging points in all vantage locations.

(vii) Among the e-pass applications, first priority will be given to e-vehicles. Preference shall also be given to applications submitted for excursions from schools and colleges for children and students. At any event, e-passes shall not be issued more than the cap indicated in para 11 of this order for each day. Necessary modifications in this regard have to be made in the e-pass website of Tamil Nadu.

(viii) The District Collectors of Nilgiris and Dindigul Districts shall ensure the fortification of entry points, the erection of boom barriers, and the installation of automatic number plate recognition cameras at all entry points in their respective Districts. The District Collectors shall also install CCTV cameras at all entry points.

(ix) The Director General of Police is directed to consider the requests already made and those that will be made by the Superintendents of Police of



Nilgiris and Dindigul Districts for the allocation and deployment of additional police personnel and to approve the best possible additional strengths.

(x) Adequate water supply will also be ensured, including an increase in water ATMs/RO plants, both in Nilgiris and Kodaikanal.

(xi) An adequate number of waste bins must be provided at all necessary points.

(xii) Toilet facilities must be significantly increased in the Nilgiris as well as in Kodaikanal. Immediate steps should be taken to provide temporary/mobile toilets by involving public/private methods, self-help groups, or other approaches as considered appropriate by the local bodies concerned.

(xiii) Campaigns on e-pass, a ban on long chassis vehicles, single-use plastics bans, and efforts to avoid littering, along with visiting places with an eco-centric approach and showing love towards animals and nature, shall be promoted through short videos and presentations distributed via social media and websites, displayed on all available screens, advertised in movie theatres throughout the state, and publicised through print and electronic media across the country. Appropriate materials and announcements can be made at relevant



airports, railway stations, and bus stands regarding these measures.

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(xiv) In order to enable access to the cities of Ooty and Kodaikanal as well as within them, the authorities must keep a close watch on traffic flow and arrange for temporary traffic diversion at various entry points.

(xv) In order to improve the tourist experience, the authorities will create "no vehicle zones" or "exclusive pedestrian zones" wherever they deem fit, and appropriate directions shall be issued by the authorities. In addition, the authorities will declare a one-way system based on the requirements, and they will notify and manage the parking zones.

(xvi) In cases of extreme emergent circumstances, such as death or medical emergencies or any other emergent causes, e-passes shall be issued on the spot at the gate point even if e-passes have already been granted to the maximum level prescribed by this court. It is needless to mention that the that the authorities must be satisfied with the purposes.

22. All the above directions must be implemented effective 01.04.2025.



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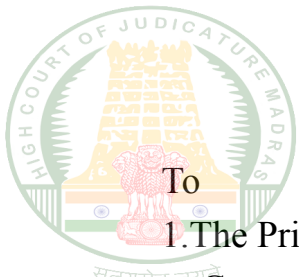


Call this matter on 25.04.2025 placing for status reports by the authorities concerned.

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(N.S.K., J.) (D.B.C., J.)
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Jer/kmk



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