



W.P.No.15120 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 17.10.2025**

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.15112 of 2019, W.M.P.Nos.14765 & 16969 of 2025,**

**W.M.P.No.37106 of 2025, W.M.P.No.31696 of 2023**

**W.P.No.15120 of 2019**

G.Subramania Koushik

... Petitioner (s)

Vs

1.The Principal Secretary to Government of Tamil Nadu,  
Environment and Forest Department,  
Secretariat, Fort St.George,  
Chennai 600 009 and 17 others

... Respondent(s)

**W.M.P.No.15112 of 2019**

G.Subramania Koushik

... Petitioner (s)

Vs

1.The Principal Secretary to Government of Tamil Nadu,  
Environment and Forest Department,  
Secretariat, Fort St.George,  
Chennai 600 009 and 15 others

... Respondent(s)



W.P.No.15120 of 2019

WEB COPY

**W.M.P.No.14765 of 2025**

G.Subramania Koushik

... Petitioner (s)

Vs

1.The Principal Secretary to Government of Tamil Nadu,  
Environment and Forest Department,  
Secretariat, Fort St.George,  
Chennai 600 009 and 15 others

... Respondent(s)

**W.M.P.No.16969 of 2025**

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

... Petitioner (s)

Vs

1.G.Subramania Koushik and 15 others

... Respondent(s)

**W.M.P.No.37106 of 2025**

M/s.Nilgiri Homestay and Bed and Breakfast Association,  
Represented by its Secretary Mr.Mugunthan Ganapathy,  
Mayston, 124 Grays Hills, Coonoor,  
The Nilgiris – 643 101.

... Petitioner (s)

Vs

1.G.Subramania Koushik and 16 others

... Respondent(s)



W.P.No.15120 of 2019

WEB COPY

**W.M.P.No.31696 of 2023**

Shantha Thiagarajan

... Petitioner (s)

Vs

1.G.Subramania Koushik and 11 others

... Respondent(s)

**W.P.No.15120 of 2019**

For Petitioner : Mr.T.V.Suresh Kumar  
M/s Genicon & Associates  
For Respondent(s): Dr.T.Seenivasan  
Special Government Pleader for  
RR1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13  
and 14  
Mrs.A.Sri Jeyanthi for R4  
Mr.R.Srinivas, Senior Counsel for  
Mr.K.Madhan for R12  
Mr.V.Chandrasekaran, SPC  
for R15  
Mr.B.N.Suchindran,  
Standing Counsel for TNPCB for  
R16  
Mr.P.T.Ramkumar, Standing Counsel  
for Railways

**Amici Curiae**

1. Mr.C.Mohan, Advocate
2. Mr.T.Mohan, Senior Advocate
3. Mr.M.Santhanaraman, Advocate
4. Mr.Rahul Balaji, Advocate



W.P.No.15120 of 2019

WEB COPY

## **ORDER**

### **(A) Ban on Single Use Plastic Products/Pet Bottles :**

The officials who were part of the conduct of brand audit in Dindigul District appeared virtually and explained the process adopted and their results. Mr.S.Chandrasekaran, Environmental Engineer and the District Environmental Engineer, Tamil Nadu Pollution Control Board, are present and they explained the matter. Both the brand audits conducted in respect of Nilgiris as well as Kodaikanal are placed on record. We have perused the same. The leading brands which contribute to the solid waste in the Categories 1, 2 and 3 are all identified and in the report with reference to Dindigul, even the number of sachets are also identified with reference to each of the shop they have inspected.

2.As earlier ordered by this Court, the next step is to convene a meeting of these brand producers/persons responsible for sale and distribution of these brands, and to have a discussion and meeting to check whether they are coming up with any proposal in order to discharge their liabilities as per the Plastic Waste Management Rules, 2016 and also to come up with the plan. They can consider



W.P.No.15120 of 2019

innovative ways of sending their products to the entire western ghats region without using plastics, which would be the first ideal thing. Secondly, even from the shop keepers end, they should instruct the shop keepers to retain the plastic sachets and transfer the contents to some other disposable paper/butter paper, etc. which will not be harmful for the environment and those retained sachets should be collected back by them and thereafter, they should satisfy the Pollution Control Board about the re-use, etc.

3.We reiterate once again that, as per Rule 9(2) of the Plastic Waste Management Rules, 2016, it is the primary responsibility of the producers, importers and brand owners, who introduce the products into the market, to collect back the plastic waste generated due to their products and as per the extended producer responsibility for plastic packaging, the entire packaging is classified into Categories 1, 2, 3 and 4 and the responsibility involves reuse, recycling, use of recycled plastic contents, etc. Further, Clause 1.3 also once again reiterates the responsibility on producers, importers and brand owners. Extended brand owner responsibility is made applicable to both pre-consumer and post consumer plastic packaging waste.



W.P.No.15120 of 2019

WEB COPY

4.In that view of the matter, there is no doubt, whatsoever, with reference to the legal position under the Environment (Protection) Act, 1986, and the new Tamil Nadu Urban Local Bodies Rules, 2023, also make it clear about this. In view thereof, let all brand owners be aware and undertake the responsibility in a productive manner and we are giving the first opportunity for them to express their views and come out with the modalities during the meeting, so that any consensus arrived at or scheme framed can be implemented as early as possible.

5.The meeting shall be convened by the Secretary, Environment, Climate Change and Forest Department of Tamil Nadu. She is free to call upon the appropriate authorities from including the Forest Department, Cooperation, Food and Consumer Protection Department, Health and Family Welfare Department, and necessarily, the Tamil Nadu Pollution Control Board. The Chairman of the Pollution Control Board shall also take part in the meeting. The learned *Amici Curiae* can also be invited to participate in the meeting.

6.Let the meeting be conducted on or before 14.11.2025 and a status report



W.P.No.15120 of 2019

be filed before this Court on or before 21.11.2025.

WEB COPY

**(B) Micro Plastics**

7.Mr.V.Chandrasekaran, learned senior panel counsel appearing for the Central Government and Dr.T.Seenivasan, learned Special Government Pleader (Forests) on behalf of the State Government seeks some more time to file their reply.

8.Status reports filed on behalf of the TANUVAS and Food Safety Department are also being placed on record and the same is taken on record.

9.It is shocking to note that the marine mammals are completely infested with micro plastics and in respect of several postmortems in respect of other animals also, micro plastics were found. We will consider the issue as and when the other reports on behalf of the Central Government and State Governments' Health Department are filed.

10.Call on 17.11.2025.



W.P.No.15120 of 2019

WEB COPY

**(C) Water ATMs & RO Plants :**

11.It is stated that in respect of the installation of facilities to provide water to the tourists, common public five places have been identified, they are:-

1.Tibetian Market, 2.Pine Forest, 3.Pykara Boat House, 4.Pykara Waterfalls and 5.Poomalai Complex, TNSRLM and they are in the process of further carrying out the same. Let a further status report be also filed on the next hearing date.

12.Post on 17.11.2025. It is also brought to our notice that warm water facilities are also being installed which will be on paid basis.

**(D) TASMAL- Buy Back Scheme (Collection of Empty Bottles-Accounting of sale proceeds of Empty Bottles) :**

13.Heard the learned Additional Advocate General on behalf of the TASMAL.

14.Status report is filed and the same is taken on record. As on date, it can



W.P.No.15120 of 2019

be seen buy-back scheme is implemented in respect of 1479 shops and it is stated that a total number of 124,74,21,097 bottles have been sold and as a matter of fact, towards extra amount of Rs.10/-, Rs.12,47,42,10,970/- was collected and out of which upon return of bottles Rs.12,27,56,43,550 was returned and the balance amount of Rs.19,75,79,690/- is being maintained in a separate account. This apart, from the sale of empty bottles, a sum of Rs.26,93,72,223/- have also been realised which is also pooled into that account, the same is taken on file.

15.It is stated with reference to the difficulty of employees, meeting with various associations were held on 15.09.2025 and 16.09.2025 and the same is being placed before the Board of Directors and appropriate actions will be taken. It is stated that the works underway are also progress to implement the buy-back scheme in all other shops which is roughly stated to be around 4,500 which includes 1,479 shops as originally underaken by them during the month of November. We make it clear that no further extension of time will be granted and emergent steps to be taken to implement the buy-back scheme given the mammoth figure that every day, TASMAC sells roughly around 90 lakhs bottles and the environment cannot bear brunt of even a fraction of such huge number, therefore, efficient and emergent steps are to be taken to implement the buy-back schement



W.P.No.15120 of 2019

so that atleast all the bottles are metticolously collected and reaches the manufacturers again for re-use and those of the damaged bottles are put into recycling and none of the bottles find place to our earth, water bodies and public spaces.

16.For filing further status report, call on 05.12.2025.

**(E) Bed and Breakfast & Impleading Petition by Hotel Association and Homestay Association :**

17.The learned counsel on behalf of the impleading petitioners submitted the set of licenses and other compliances which the members of the associations possess. The same is taken on record and considered by this Court.

18.As far as the further action is concerned, the status report is filed with reference to the Nilgiris as well as Dindigul Districts. With reference to the Nilgiris, on the last occasion itself, 20 unlawful resorts were sealed and it is stated that further action will be taken in respect of rest of the show cause notices also. From the present status report, we seen that only three more resorts and further action though it is stated to be proceeded, we do not see any further progress as



W.P.No.15120 of 2019

originally, it was mentioned that a total number of 854 notices were issued, as a matter of fact, it is brought to our notice that they have identified 1146 such entities. Once the show cause notices are issued, they have to consider the explanation and if it is running in violation of the rules and law, they have to seal the premises and take further action in this regard. In spite of our earlier directions, this thing is done in a snail phase with reference to the Nilgiris District.

19. With reference to the Dindigul District, it is represented that already 642 number of notices have been issued to the illegal homestays and action was taken in respect of 84 cases and the rest of notices are pending and they have also identified another 42 illegal homestays and cottages, who do not possess proper EB service connection as commercial also. With reference to the Dindigul also, let further action be taken.

20. It is not necessary to issue repeated notices to the persons who are operating illegally, if anybody is operating and complying as per rules, they have to do same. Even if the Form-D certificate is expired, they have to apply for renewal and get it renewed. The core issue that has to be considered is that whether these units are bread and breakfast units or homestay units or real



W.P.No.15120 of 2019

commercial hotels/resorts run in the guise of these resorts. The authorities have to hear the explanations for the show cause notice and one way or other decide the issue and pass final order. We direct that further action to be taken in an expeditious manner and status report be filed on the next hearing date.

21.Call on 21.11.2025.

**(G) Vertical Cutting :**

22.Today, status report is filed on behalf of the Divisional Engineer, National Highways, Gobichettipalayam and the copy of the report of the Technical Expert Committee is also placed before us.

23.Prima facie, it is stated that the Technical Expert Committee identified these 11 places primarily on the ground to avoid soil erosion and the nature of the facilities that are provided is also mentioned. Let copies of these reports shall be provided to learned amicus curiae and the issue will be considered on the next hearing date.

24.Call on 21.11.2025.



W.P.No.15120 of 2019

WEB COPY

[N.S.K.J.,] [D.B.C.J.,]  
17.10.2025

mkn

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,  
Udhagamandalam Municipality, Oot,  
The Nilgiris District.

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

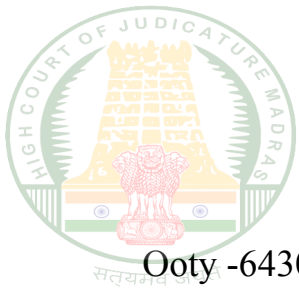
5.The Commissioner,  
Gudalur Municipality, Gudalur, The  
Nilgiris District.

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

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

8.The District Forest Officer,  
The Nilgiris District, Mount Stuart Hill,

*Page 13 of 17*



W.P.No.15120 of 2019

Ooty -643001.

WEB COPY

9.The Commissioner,  
Kodaikanal Municipality, Kodaikanal,  
Dindigul District.

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.

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

13.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)

14.The Secretary To The Ministry Of  
Road Transport And Highways,  
Transport Bhawan, No.1, Parliament



W.P.No.15120 of 2019

Street, New Delhi.110 001.

WEB COPY

16.The Chairman,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Salai, Guindy, Chennai -  
600032.

17.The Secretary,  
Ministry of Health and Family Welfare,  
Government of India,  
Nirman Bhawan,  
New Delhi – 110011.

18.The Principal Secretary to Government of Tamil Nadu  
Department of Health and Family Welfare Department,  
Secretariat, Fort St.George,  
Chennai – 600 009.



WEB COPY



W.P.No.15120 of 2019

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

mkn

**W.P.No.15120 of 2019**



WEB COPY



W.P.No.15120 of 2019

**17.10.2025**