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W.P.No.15120 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2026

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 & 37106 of 2025

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 30 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 30 others

... Respondent(s)



W.P.No.15120 of 2019

W.M.P.No.14765 of 2025

WEB COPY 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,
4th 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)



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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, 27, 30

Mrs.A.Sri Jeyanthi for R4

Mr.R.Srinivas, Senior Counsel for
Mr.K.Madhan for R12

Mr.V.Chandrasekaran, SPC
for RR15, 28, 29

Mr.B.N.Suchindran,
Standing Counsel for TNPCB for
R16

Mr.Arun C.Mohan for R26

Mr.Vinod Kumar for M/s.J.Sagav
Associates for R25

Mr.Madhan Babu for R17

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

ORDER

TASMAC-Buy-back Scheme (Collection of empty bottles-accounting of sale proceeds of empty bottles)

Today, a status report is filed in respect of the queries that are raised by this Court.

2.As far as the implementation of the end to end computerization, the status report details about the implementation of the same in paragraphs 3 to 7 of the status report. It is stated that end to end computerization is already implemented throughout the State of Tamil Nadu. With this, they are able to get complete digital integration of the entire supply chain, commencing from procurement at the distillery level, transportation to depots, receipt and storage at the retail vending shops, wherein, bottles are scanned and sale bills are issued to consumers, thereby enabling consumers to make payment strictly at MRP rates. It is also further stated that under this system, each bottle of liquor is uniquely tracked, and every retail transaction is mandatorily captured through the computerized Point-of-Sale (PoS) mechanism on a real-time basis. It is further stated that critical data such as the brand, size, quantity, maximum retail price, time and location of sale and the identity of the vending outlet, thereby eliminating manual intervention and substantially curtailing the scope for manipulation, under reporting or unauthorised

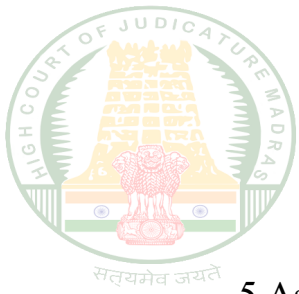


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3. Upon considering, when this Court questioned whether the payment gateway is also integrated in the system itself as it is brought to the notice of this Court that a bill is generated and thereafter, a separate system is being used either by way of Point of Sale machine or in QR code for payment separately and when the Court brought to the notice of the respondent as to why it is not integrated along with the system itself. The officials present before the Court as well as the learned Additional Advocate General would request that they will verify and report by way of further status report. Steps must be taken to integrate the payment gateway also in the digital integration so that the same will eliminate the complaints against employees receiving higher amount etc., Let the status report be filed on the next hearing date.

4. Secondly, with reference to the affixing QR code for the empty liquor bottle is concerned, the details are provided in paragraphs 8 to 13 of the status report. It is stated that tender has already been floated and it is opened on 12.01.2026 and the technical committee is verifying the details about the same and once that is over, the tender will be finalised on or before 15.03.2026, work order will be given and it will be implemented. The same is taken on record.



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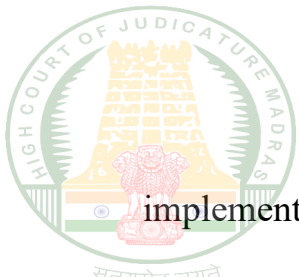
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5.As far as the employees' grievances are concerned, it is stated that the organisation is considering about employing the external agency for carrying out these works so that the grievance of the employees would stand referred and it is further stated that the same is being placed in the ensuing Board meeting of the TASMAC, it will be considered. Let further status report be filed in this regard

6.We earnestly hope that the Board will take a decision considering the grievances that is placed on record by the employees including the impleading petitions that are filed before this Court.

7.With reference to number of bottles that are sold and are not reported to be back in the Districts that is not implemented, data is provided by way of a tabular column in which it can be seen that per day 24,47,521 bottles are being used in these districts and about 13,87,082 are being returned. It can be seen that almost 10,60,431 bottles are not being returned, this would amount more than 40% of the bottles that are sold are not being returned, the same is a burden on the environment, burden on the conservancy workers, burden on the wildlife, burden on agriculturists, water body, etc., and that is why, it is desirous that the TASMAC implement the buy-back scheme in all the districts at the earliest. In paragraph 23 of the status report, it is stated that remaining places and the districts, it will be

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implemented within one month, the same is also recorded. Let expeditious steps be taken to comply with the things which remain uncomplished with relating to payment gateway, QR code stickers, grievance of the employees and the implementation of the buy-back scheme in each and every shop.

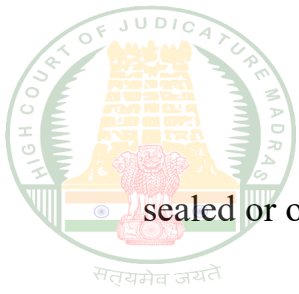
8.Let a detailed report be filed before this Court on the next hearing date.

Call on 13.03.2026.

Bed and Breakfast & Impleading Petition by Hotel Association & Impleading Petition by Homestay Association :

9.With reference to bed and breakfast, today, a status report is filed and Mr.N.Narayanan, District Revenue Officer, The Nilgiris, is also present.

10.In today's affidavit, it is again stated that the Administration had issued 920 notices, in which, final orders have been passed in 844 cases and in 76 cases, it was locked and sealed and an Annexure is also given, whereunder, the particulars of the cases with reference to the Name of the Municipality/Block/Town Panchayat, Name of the Establishment, Address of the Establishment, Nature of the Establishment whether small or big, Name of the Owner/Operator, Whether Resident of Nilgiris or not, in respect of non-resident of Nilgiris, their native place, Nature of violations and the Present Status whether it is



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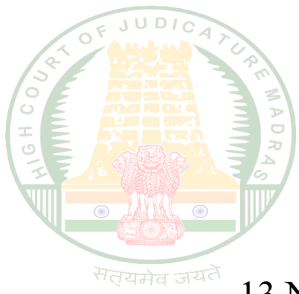
sealed or operating, are also furnished.

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11. On the last occasion itself, we had specifically instructed to disclose as to the nature of the order that is passed in all the cases. Earlier, the District Collector had filed a status report, in which, it was stated that already final orders were issued in 705 cases. Today, in the additional report that is filed, it is increased to 844 cases. When we asked for the nature of orders that are passed, it can be seen that these are notices are purported to be issued under Section 56(1) of the Town and Country Planning Act, 1971. However, it can also be seen that those notices can be construed as ones under Section 145 of the Tamil Nadu Urban Local Bodies Act, 1998. Hereinafter, the authorities are instructed to issue notices only under Section 145 of the Tamil Nadu Urban Local Bodies Act, 1998, which specifically deals with the hill stations, where the requirement of 30 days has been dispensed with. All these are notices requesting the owners to either comply with the deficiencies or stop occupying or the usage of the premises, failing which, it is proposed that the buildings will be locked and sealed.

12. We see from the Annexure that there are several big players who are permitted to operate, where the 'Nature of violations' column clearly shows that they do not even have an approval plan for the building itself. Therefore, these are the buildings which require action on a priority basis.

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13. Now that, notices have been issued so far in respect of 844 establishments. Wherever they have not filed any compliance document, immediate action be taken and all further proceedings for locking and sealing and also stopping of the usage of the building, shall also be forthwith made. Wherever they file compliances, the same shall be once again scrutinised and further orders be passed in accordance with law.

14. In the next status report, let all the orders that are passed in all the 844 cases be duly indexed date-wise and produced before this Court. It is made clear that, forthwith, the authorities shall follow the orders that are said to have been passed and wherever there are no compliances, seal the premises.

15. It is made clear that this Court had not directed the concerned authorities to stop renewal of licence of the bed and breakfast establishments/homestays. If the homestay or bed and breakfast establishment is operated in compliance of the respective Government Orders and the concerned building is also one constructed with a duly approved plan, then, there will be no impediment, whatsoever, to renew the licence in those cases, and the authorities cannot be shunning away from their duty of renewing the licence merely because this case is pending before this Court. Therefore, wherever applications are made for renewal of licences, the



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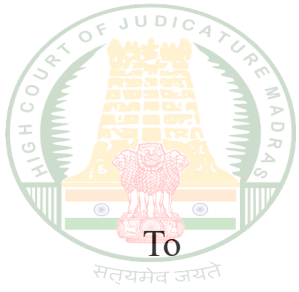
same shall be scrutinised scrupulously and it shall be found out first whether the building is there with an approved plan and secondly, whether they are operating as per the Rules framed thereunder for the purpose of grant of licence and if so, there shall be no impediment and the licence be renewed to the appropriate buildings. In cases wherever the licence is refused to be renewed, then, further action to ensure that the activities stop, shall also be undertaken.

16.It is also seen from the Annexure that, in Sl.Nos.344 to 602, it is stated that there are no violations at all. The District Revenue Officer, The Nilgiris, present before this Court, is directed to verify the same and file a detailed report with regard to the establishments mentioned at Sl.Nos.344 to 602 in the Annexure.

17.Let a further status report in this regard be filed on 27.02.2026. Call on 27.02.2026.

[N.S.K.J.,] [D.B.C.J.,]
30.01.2026

mkn/dhk



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To

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- 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,
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



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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.

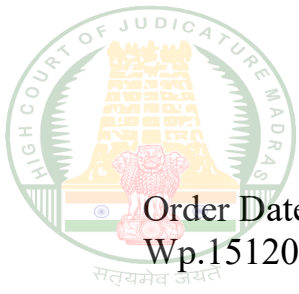
12.The Principal Secretary,
Department Of Municipal
Administration, Urban And Water
Supply, Government Of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.600 009.

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
Street, New Delhi.110 001. (r15- Suo
Motu Impleaded As Per Order Dated
04.11.2024 In Wp.15120/2019 By Nskj
And Dbcj)

15.The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy, Chennai -
600032. (r16 Suo Motu Impleaded Vide

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Order Dated 27.06.2025 Made In
Wp.15120/2019 By Nskj, Dbcj)

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16.The Tamil Nadu Co-operative Milk Producers' Federation Limited,
(AAVIN), Aavin Illam, TCMPF Ltd.,
3A, Pasumpon Muthuramalingar Salai,
Nandanam, Chennai – 600 035.

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

18.The Secretary to Government,
Ministry of Environment, Forest and Climate Change,
Government of India,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi – 110 003.

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



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AND
D. BHARATHA CHAKRAVARTHY. J.

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30.01.2026