



W.P.No.15120 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2026

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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.No.8422 of 2024

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 31 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.8422 of 2024

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.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,
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,



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Mayston, 124 Grays Hills, Coonoor,
The Nilgiris – 643 101.

... Petitioner (s)

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Vs

1.G.Subramania Koushik and 16 others

... Respondent(s)

W.P.No.34642 of 2024

S.Ramji

... Petitioner (s)

Vs

1.The State of Tamil Nadu,
Represented by the Secretary, Tourism, Culture and
Religious Endowments Department,
Tamil Nadu Tourism Complex,
No.2, Wallajah Road, Triplicane,
Chennai – 600 002 and 2 others

... Respondent(s)

W.P.No.15120 of 2019

For Petitioner : Mr.T.V.Suresh Kumar
M/s Genicon & Associates;
Mr.N.L.Rajah, Senior Counsel
for Mr.K.R.Arun Shabari in W.M.P.No.37106 of 2025

For Respondent(s): Dr.T.Seenivasan,
Special Government Pleader (Forests),
for RR1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 and 30
Mrs.A.Sri Jeyanthi for R4
Mr.R.Srinivas,
Senior Counsel for Mr.K.Madhan for R12
Mr.V.Chandrasekaran, Senior Panel Counsel
for RR15, 28, 29, 32
Mr.B.N.Suchindran,
Standing Counsel for TNPCB for R16



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Mr.Madhan Babu for R17
Mr.R.S.Diwaagar, M/s.Vivrti Law for R18 and R20
Mr.N.Surya Senthil for R19
Mr.G.Prabhu for R21
Mr.R.Sathish Kumar for R22
Ms.Vanitha Bharghava for R23
Mr.Thriyambak J. Kannan for R24
Mr.Vinod Kumar for M/s.J.Sagav Associates for R25
Mr.Arun C.Mohan for R26
Mr.John Arokiadass for R27
R31 - Mr.S.Muralidharan (P-I-P)
Mr.P.T.Ramkumar, Standing Counsel for Railways

W.P.No.34642 of 2024 :

For Petitioner : Mrs.Hema Sampath
Senior Counsel
for Mrs.R.Meenal
For Respondent(s): Dr.T.Seenivasan,
Special Government Pleader (Forests),
for RR1 to 3

Amici Curiae

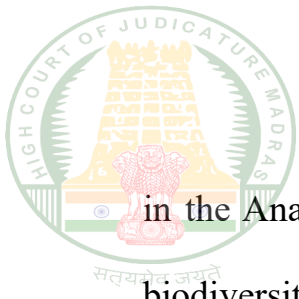
1. Mr.C.Mohan, Advocate
2. Mr.T.Mohan, Senior Advocate
3. Mr.M.Santhanaraman, Advocate
4. Mr.Rahul Balaji, Advocate

ORDER

E-Pass for Valparai :

The matter relates to the implementation of e-Pass system as a first step to determine the carrying capacity of Valparai. As far as Valparai is concerned, it is

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in the Anamalai Biosphere, which is an extremely sensitive area considering the biodiversity and the eco-sensitive systems. As far as Valparai is concerned, considering its nature, ingress and egress, we had directed that the e-Pass system should be put in place. The e-Pass system has already been put in place, however, without any upper cap.

2.Now, a detailed data of the e-Passes that are requested and granted, has been compiled by the respondent authorities. It is stated that, after its implementation on 01.11.2025 upto 25.02.2026 covering 117 days of implementation, so far, it recorded 93,836 applications, however, 59,712 vehicles actually entered the check-post by using the e-Passes. It is stated that, on an average, in a week day, 323 vehicles per day visit the town. The average is tabulated between the minimum and the maximum, that was 745 vehicles on one particular day. Similarly, in the holidays and weekends, the average is calculated as 915 vehicles per day, when the maximum was 1,378 vehicles. It can be seen that the days, on which the vehicle movement was extraordinary, there was absolute traffic jam and vehicles have halted for hours together.

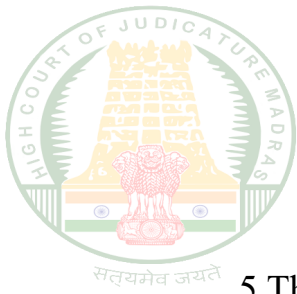
3.It is also placed on record that the approximate staying capacity as on date is 1160 rooms in 145 commercial establishments. This, according to us, reflects a higher rate, even though the veracity can be ascertained later. Even assuming the



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same, considering the average, considering the load the concerned road can take and considering the biodiversity of the area and taking note of the repeated traffic jams that occur in Valparai in the weekends, we deem it fit that the upper limit shall be 500 vehicles in the week-days and 750 vehicles in the weekends and holidays. It is made clear that the numbers include two wheelers also. If on the previous day, the vehicles gained entry and the vehicles are staying in Valparai on the next day, then, only for the remaining of the numbers alone, e-Passes can be issued. The other conditions such as preference to school students and school visit, electric vehicles and the conditions relating to the local residents, etc., will apply *mutatis mutandis* as contained in the order relating to The Nilgiris and Kodaikanal, to this also.

4.It is also brought to our notice that, with reference to Aliyar and Sholyar-Malakkapara check-post, it is stated that it is a transit corridor between Tamil Nadu and Kerala and vehicles also pass through. If the vehicles pass through, then they need not be taken into account in the total carrying capacity, as they merely pass through and they don't cause heavy brunt on the environment. In respect of those vehicles, the regular e-Pass need not be maintained, but, they can obtain Transit-Pass at the entry check post and they can show the same at the exit check-post and the time lag shall also be noted in between entry and exit and thus, these vehicles can be regulated.



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5.The necessary provisions for providing manpower, issue of e-Pass and management of the upper cap limit, shall be made by the District Collector. It is made clear that, steps should also be taken to equip the check-posts with ANPR Cameras with boom barriers and facilities for the staff and also for checking the vehicles for one-time use plastic bottles and other articles, etc.

6.It is made clear that the above upper cap is a temporary arrangement, pending finalisation of the expert study that is made in the region of The Nilgiris and Kodaikanal and depending upon the final report, further orders will be passed.

7.Call on 17.04.2026 for filing further status report.

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

8.This matter relates to the unauthorised commercial establishments, bed and breakfast establishments in The Nilgiris as well as Kodaikanal.

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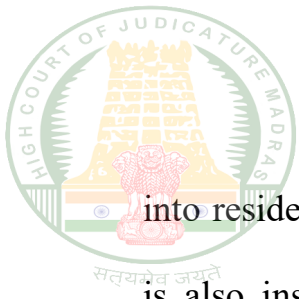
9.In the writ petition in W.P.No.34642 of 2024, it is categorically mentioned about the residential houses functioning as commercial establishments in



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Kodaikanal, where the tourists come in buses and stay in Kodaikanal. Therefore, let the appropriate Committee make an inspection and a detailed report be filed about the action that is being taken. Learned Special Government requests time to get instructions in this regard.

10.As far as The Nilgiris is concerned, today, the District Revenue Officer has filed a status report with reference to Udhagamandalam alone. It is stated that he is in the process of verifying the establishments on a case-to-case basis. It is found that 24 buildings with commercial approval, are in order. Another 7 heritage buildings with approval, are in order. Similarly, 114 bed and breakfast establishments are in order and one tent house is also in order. Another 14 persons have applied through NIDHI portal for obtaining requisite permission in the bed and breakfast category and the same is pending. With reference to another 45 establishments, it is found that they have only residential approval, but beyond homestays, they have number of rooms functioning as fully commercial establishments and as such, 15 of them have already been locked and sealed and actions are being proceeded with respect to the rest of them. In respect of 37 other establishments, they are temporarily closed and the owners have locked the premises and went away and at present, the illegal activities are not carried out, but further hearings will be conducted with the owners. With reference to 17 illegal operations, the owners have made an undertaking that they will strictly convert it



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into residential usage alone and recording their undertaking, the Electricity Board is also instructed to disconnect the commercial connection. He would further submit that, as far as the homestays or bed and breakfast establishments which satisfy every other criteria, but did not have the renewal alone, they are only now being directed to apply through NIDHI portal and they are not closing down the undertakings which are fully otherwise compliant. The same is also recorded.

11.Let further inspection be carried out and detailed report in respect of Ooty be filed. Similarly, in respect of other towns in The Nilgiris also, let a status report be filed. In respect of Kodaikanal also, a detailed report shall be filed on the same day.

12.Call on 27.03.2026 for filing further status report.

Fees of the Special Government Pleader (Forests) :

13.With reference to the fee structure of the learned Special Government Pleader, we have already clarified that, each and every order should be taken as if it is a final order, because, there are many writ petitions pending and continuous orders are being passed in every hearing. Since all the writ petitions are treated as continuous mandamus and several orders are passed, we had already passed orders earlier to treat each hearing as equivalent to final disposal for the purpose of fee.



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In this regard, it can be seen that, from the date of our order, the same was considered, but, when the services of the learned Special Government Pleader have been utilised from December, 2021, the same exercise should be done from the said date.

14. In view of the peculiar nature of the proceedings and directions issued by this Division Bench, recognising each hearing as equivalent to final disposal for the purpose of fee, the respondent authorities are directed that the remuneration be fixed and sanctioned from December, 2021, onwards, without restricting from 18.03.2024 alone. As and when bills are submitted by the learned Special Government Pleader, the same shall be considered positively and be sanctioned.

[N.S.K.J.,] [D.B.C.J.,]
27.02.2026

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 – 643 001.



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

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

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

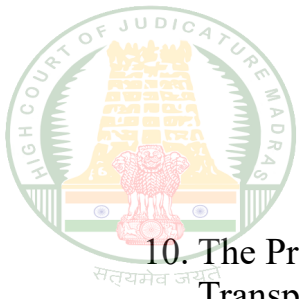
6. The Commissioner,
Kotagiri Town Panchayath,
Kotagiri,
The Nilgiris District.

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 – 643 001.

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

(R9 is suo motu impleaded vide Court order,
dated 12.02.2021 in W.P.No.15120 of 2019)



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10. The Principal Secretary to Government,
Transports Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

11. The Transport Commissioner,
Government of Tamil Nadu,
Commissionerate of Transport and Road Safety,
Ezhilagam, PWD Estate,
Chepauk, Triplicane, Chennai – 600 005.

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.

14. The Secretary to the Ministry of Road Transport and Highways,
Transport Bhawan, No.1, Parliament Street, New Delhi – 110 001.

15. Tamil Nadu Pollution Control Board,
Represented by its Chairman,
No.76, Mount Salai, Guindy, Chennai – 600 032.

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 – 110 003.



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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.

20. The Chairperson,
Food Safety and Standards Authority of India (FSSAI)
3rd and 4th Floor, FDA Bhawan,
Kotla Road near Bal Bhawan,
New Delhi – 110 002.



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

mkn

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27.02.2026