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W.P.No.15120 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2026

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

[Through Video Conferencing]

W.P.No.15120 of 2019

and

W.M.P.Nos.15112 of 2019, 2806 and 1479 of 2026

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

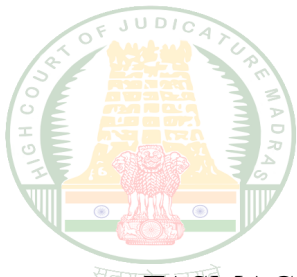
G.Subramania Koushik

... 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)



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W.M.P.No.2806 of 2026

TASMAC Uzhiyar Manila Sammelanam,
Rep. by its General Secretary,
No.27, Mosque Street,
Chepauk, Chennai – 600 005.

... Petitioner (s)

Vs

1.G.Subramania Koushik and 31 others

... Respondent(s)

W.M.P.No.1479 of 2025

S.Muralidharan

... Petitioner (s)

Vs

1.G.Subramania Koushik and 16 others

... Respondent(s)

For Petitioner : Mr.T.V.Suresh Kumar
M/s Genicon & Associates;
Mr.R.Krishnaswamy in W.M.P.No.2806 of 2026

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
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



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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

Amici Curiae

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

ORDER

(A) TASMACH – Buyback Scheme (Collection of Empty Bottles – Accounting of Sale Proceeds of Empty Bottles:-

A status report is filed today on behalf of TASMACH. It is seen that, in spite of repeated assurances, the implementation of the buyback scheme has not been completed. Today, it is stated that the scheme has been implemented in full in 29 Districts and in part in 2 Districts, and that in the remaining Districts, it is yet to be implemented.

2. As a matter of fact, the deadline granted earlier itself was after repeated extensions of time which had been sought by the said Corporation. It is now stated



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that only on account of the problems faced with the employees, the scheme could not be implemented in full. The very same reason was placed on record even on the last occasion. This Court had already clarified that immediate steps should be taken to alleviate the grievances of the employees and had also directed the employees to cooperate in the matter.

3. The learned Additional Advocate General submits that once the QR Code system is implemented, it will be easier for the Corporation to operate the entire scheme without placing much burden on the employees. Even if some temporary relief has to be granted to the employees, the same can be considered; however, the Scheme has to be implemented first.

4. When the TASMAL Corporation is selling more than 2,00,00,000 bottles per day, the same places an unbearable burden on the environment. The sale of liquor itself is *res extra commercium* as per the judgments of the Hon'ble Supreme Court of India. Between *res extra commercium* and environmental damage, the Court will naturally prefer to protect the environment.

5. Therefore, it is made clear that, as one last opportunity, the time prayed for by the Corporation is granted. However, if the buyback scheme is not implemented in full within the time sought by the learned Additional Advocate General, then, firstly, on the basis of the 'Polluter Pay' Principle, a sum of Rs.10/-

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per bottle for every bottle sold without implementing the buyback scheme shall be paid as fine. It is further made clear that, even thereafter, if the buyback scheme is not implemented, this Court will have to consider the balance between protection of the environment and the principle of *res extra commercium*.

6. It is also made clear that though earlier only one month's time was granted, now, at the request of the learned Additional Advocate General, a longer time is granted and the remaining months of March, April and May, 2026 shall be utilised. On or before 31.05.2026, the scheme shall be implemented in full.

7. As far as the QR Code system is concerned, it is stated that the work order has now been issued to the successful bidder and that the process is in progress. The same is recorded. It is further stated that the necessary facilities are being created for placing the QR Codes. The same shall be undertaken as early as possible.

8. With reference to the QR Code system integrating the payment mechanism, it is stated that the technical integration is presently in progress and will be completed shortly. The same is recorded. It is made clear that all necessary steps shall be taken to implement the integrated payment portal and QR Code system also within the said deadline of **31.05.2026**.



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9. Call this matter on **05.06.2026** for filing a further status report.

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W.M.P.No.2806 of 2026 [For impleading TASMACH Uzhiyar Manila Sammelanam]:-

It is brought to the notice of this Court that, in certain shops where the buyback scheme has been implemented, the bottles collected are not being scientifically stored. Photographs have been produced showing the bottles being bundled in large sacks and haphazardly kept at the entrance of the shops and even along the road margins.

2. The primary purpose of the buyback scheme is to ensure reuse of the bottles rather than mere recycling. Therefore, the bottles that are collected must be properly stacked, stored and safely removed from the retail shops to such places as may be designated by the tenderer for collection and transportation. There is no purpose in breaking or damaging the bottles after they are collected.

3. Accordingly, the Managing Director, TASMACH, shall look into this issue and issue necessary instructions to all the retail shops as well as to the collecting agents to ensure that the bottles are properly stacked, handled and transported without being damaged. They shall also ensure that the bottles are stored in

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appropriate places and periodically removed, without being piled up for long durations, so that, they may be washed and reused by the concerned companies.

4. The Managing Director shall also examine the necessity of identifying suitable godowns or stacking yards for this purpose.

5. Call on **05.06.2026**.

(B) Demolition of buildings over 21 ft. :-

With reference to the demolition of buildings exceeding 21 feet in height, a status report has been filed today. It is stated that action will be taken in accordance with the Tamil Nadu District Municipalities (Hill Stations) Building Rules, 1993 and other applicable laws after conducting a detailed field survey.

2. However, it is seen that the petitioner has specifically brought to the notice of this Court certain buildings where violations have been alleged. Therefore, at the first instance, the authorities shall conduct an inspection in respect of the said buildings and take appropriate action in accordance with law and report the same before this Court.



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3. Apart from the above, by G.O.(2D)No.15, Municipal Administration and

Water Supply (MA.1) Department, dated 01.03.2024, the Government has directed the implementation of a monitoring mechanism by constituting a Monitoring Committee under the Chairmanship of the District Collector. The said Committee is required to submit a report to the Government every month detailing the violations, change of user, and other related issues.

4. Therefore, the respondents 2 to 4 are also directed to place on record whether the said Government Order is being complied with and, if so, the reports that have been submitted to the Government pursuant thereto.

5. Call this matter on **17.04.2026**.

[N.S.K., J.]

[D.B.C., J.]

13.03.2026

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



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



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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.

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