

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Sixth day of January Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE SANJIB BANERJEE, CHIEF JUSTICE

and

THE HON`BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP.Nos.27356 of 2019 and 28475 of 2019

MR.S.MURALIDHARAN ... PETITIONER in WP No.27356 of 2019

T.M.S.RAJENDRAN ... PETITIONER in WP No.28475 of 2019

Vs

1 PRINCIPAL CHIEF CONSERVATOR ... RESPONDENT in WP No.27356/2019
OF FORESTS AND CHIEF WILDLIFE WARDEN
DEPARTMENT OF FORESTS GOVT. OF TAMIL NADU
NO.1 JEENIS ROAD PANAGAL BUILDINGS
SAIDAPET CHENNAI-600 015

2 STATE OF TAMIL NADU
REP. BY ITS CHIEF SECRETARY FORT ST.GEORGE
CHENNAI- 600 009

3 DISTRICT COLLECTOR
COIMBATORE DISTRICT GOPALPURAM
COIMBATORE-6410108

4 PRINCIPAL SECRETARY / CHAIRMAN
TAMIL NADU POLLUTION CONTROL BOARD NO.
76 MOUNT SALAI GUINDY CHENNAI- 600 032

5 THE COMMISSIONER
DEPARTMENT OF GEOLOGY AND MINING THIRU.VI.KA.
INDUSTRIAL ESTATE ALANDUR ROAD GUINDY
CHENNAI-600 002

6 GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT FOREST AND CLIMATE
CHANGE INDIRA PARYAVARAN BHAVAN JORBAGH
ROAD NEW DELHI-110 003

- 1 THE SECRETARY TO GOVERNMENT ... RESPONDENT in WP No.28475/2019
DEPARTMENT OF GEOLOGY AND MINING
SECRETARIAT CHENNAI 9
- 2 THE PRINCIPAL SECRETARY TO
GOVERNMENT DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT SECRETARIAT CHENNAI 9
- 3 DIRECTOR OF GEOLOGY AND MINING
THIRUVEEKAA INDUSTRIAL ESTATE GUINDY
CHENNAI 32
- 4 THE DIRECTOR
DIRECTORATE OF TOWN AND COUNTRY PLANNING
CHEGALVARAYAN BUILDING 4TH FLOOR NO. 807
ANNA SALAI CHENNAI 2
- 5 THE CHAIRMAN/ PRINCIPAL SECRETARY
TAMIL NADU POLLUTION CONTROL BOARD
NO. 76 ANNA SALAI GUINDY INDUSTRIAL ESTATE
GUINDY CHENNAI 32
- 6 THE CHAIRMAN AND MANAGING
DIRECTOR TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD. (TANGEDCO)
NO. 144 ANNA SALAI CHENNAI 2
- 7 DEPUTY DIRECTOR OF TOWN AND
COUNTRY PLANNING COIMBATORE REGION
DR.NANJAPPA ROAD CORPORATION SHOPPING COMPLEX
COIMBATORE - 641018
- 8 THE JOINT DIRECTOR OF GEOLOGY
AND MINING GEOLOGY AND MINING DEPARTMENT
COIMBATORE
- 9 THE DISTRICT ENVIRONMENTAL
ENGINEER TAMIL NADU POLLUTION CONTROL BOARD
SIDCO INDUSTRIAL ESTATE POLLACHI MAIN ROAD
COIMBATORE - 641021
- 10 THE DISTRICT COLLECTOR
COIMBATORE DISTRICT COIMBATORE
- 11 THE DEPUTY COMMISSIONER OF
LABOUR COIMBATORE REGION COIMBATORE
- 12 THE DEPUTY DIRECTOR OF HEALTH
SERVICES NO. 268 RACE COURSE SCHEME
ROAD COIMBATORE - 641018
- 13 THE SUPERINTENDING ENGINEER
TANGEDCO TATABAD COIMBATORE - 641012

Writ Petition and writ miscellaneous petition filed under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

1 WP No.27356 of 2019

issue a writ of mandamus or any other writs or directions, directing the 1st respondent to identify and secure the elephant corridors in Coimbatore forest division with the support of the other respondents

2 WP No.28475 of 2019

Directing the respondents herein to take necessary action to close down the illegal brick kilns being operated in all the villages of ChinnaThadagam, Nanjundapuram, Veerapandi, Somayampalayam and Pannimadaipanchayats of Coimbatore District within the time frame stipulated by this Honorable Court

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.S.VIJAYA RAGHAVAN, Advocate for the petitioner in WP.No.27356/2019 and of M/S.T.MOORTHY, Advocate for the petitions in WP.No.28475/2019 and of M/S.PRABHU, Additional Government Pleader for the 1st respondents in WP.No.27356/2019 and of M/S.S.KAMALESH KANNAN, Government Advocate for the 2nd to 6th respondents in WP.No.27356/2019 the court made the following order:-

(Order of the Court was made by The Hon'ble Chief Justice)

The matter relates to the vanishing elephant corridors across the forest regions, particularly in Coimbatore District. The petitioners contend that while the forest area may be demarcated and preserved, the passageway from one forest tract to another is not covered by any protective order. As a consequence, the petitioners assert, the elephants are perceived to be straying into areas inhabited by men only because humans have encroached on the traditional corridors used by elephants for passing from one forest to another.

2. The petitioners say that the third respondent has filed an affidavit and has more or less accepted the case made out by the petitioners, except that a casual remark has been made about removal of illegal brick kilns and related businesses. The petitioners also point out that the first respondent has filed an affidavit indicating that the huge encroachment which has taken place over the years cannot be undone and it would involve a mammoth task to restore all the corridors to their pristine glory.

3. It is imperative that some measures be taken for ensuring the unhindered passage of the elephants from one tract of land to another without straying into areas inhabited by humans. Towards such end, some corridors must be restored, though it may not be feasible to restore all.

4. The State in consultation with the Principal Chief Conservator of Forests will file a report when the matter appears next six weeks hence to indicate how conflict between the large animal and man can be avoided and the right of passage be given to the elephants to move from one tract of land to another in such manner that it does not cause much displacement to humans yet allows the animals the freedom they deserve. A copy of such report should be made available to the petitioners at least two days before the matter appears.

5. The pendency of these writ petitions should not deter the respondent authorities from taking immediate appropriate action against brick kilns which may be operating illegally or without license or in excess of the extent of their area of operation.

List on 10.02.2021.

-sd/-

06/01/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL CHIEF CONSERVATOR
OF FORESTS AND, CHIEF WILDLIFE WARDEN,
DEPARTMENT OF FORESTS, GOVT. OF TAMIL NADU,
NO.1 JEENIS ROAD, PANAGAL BUILDINGS,
SAIDAPET, CHENNAI-600 015

2 THE CHIEF SECRETARY,
GOVERNMENT OF TAMIL NADU, FORT ST.GEORGE,
CHENNAI- 600 009

3 THE DISTRICT COLLECTOR
COIMBATORE DISTRICT, GOPALPURAM, COIMBATORE-6410108

4 THE PRINCIPAL SECRETARY / CHAIRMAN,
TAMIL NADU POLLUTION CONTROL BOARD,
NO.76, MOUNT SALAI, GUINDY, CHENNAI- 600 032

5 THE COMMISSIONER
DEPARTMENT OF GEOLOGY AND MINING
THIRU.VI.KA.INDUSTRIAL ESTATE, ALANDUR ROAD,
GUINDY, CHENNAI-600 002

6 GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE, INDIRA PARYAVARAN BHAVAN, JORBAGH
ROAD, NEW DELHI-110 003

7 THE SECRETARY TO GOVERNMENT
DEPARTMENT OF GEOLOGY AND MINING
SECRETARIAT CHENNAI 9

8 THE PRINCIPAL SECRETARY TO
GOVERNMENT DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT SECRETARIAT CHENNAI 9

9 THE DIRECTOR OF GEOLOGY AND MINING
THIRUVEEKAA INDUSTRIAL ESTATE GUINDY
CHENNAI 32

10 THE DIRECTOR
DIRECTORATE OF TOWN AND COUNTRY PLANNING
CHEGALVARAYAN BUILDING 4TH FLOOR NO. 807
ANNA SALAI CHENNAI 2

11 THE CHAIRMAN/ PRINCIPAL SECRETARY
TAMIL NADU POLLUTION CONTROL BOARD
NO. 76 ANNA SALAI GUINDY INDUSTRIAL ESTATE
GUINDY CHENNAI 32

12 THE CHAIRMAN AND MANAGING
DIRECTOR TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LTD. (TANGEDCO)
NO. 144 ANNA SALAI CHENNAI 2

13 THE DEPUTY DIRECTOR OF TOWN AND
COUNTRY PLANNING COIMBATORE REGION
DR.NANJAPPA ROAD CORPORATION SHOPPING COMPLEX
COIMBATORE - 641018

14 THE JOINT DIRECTOR OF GEOLOGY
AND MINING GEOLOGY AND MINING DEPARTMENT
COIMBATORE

15 THE DISTRICT ENVIRONMENTAL
ENGINEER TAMIL NADU POLLUTION CONTROL BOARD
SIDCO INDUSTRIAL ESTATE POLLACHI MAIN ROAD
COIMBATORE - 641021

- 16 THE DISTRICT COLLECTOR
COIMBATORE DISTRICT COIMBATORE
- 17 THE DEPUTY COMMISSIONER OF
LABOUR COIMBATORE REGION COIMBATORE
- 18 THE DEPUTY DIRECTOR OF HEALTH
SERVICES NO. 268 RACE COURSE SCHEME
ROAD COIMBATORE - 641018
- 19 THE SUPERINTENDING ENGINEER
TANGEDCO TATABAD COIMBATORE - 641012.

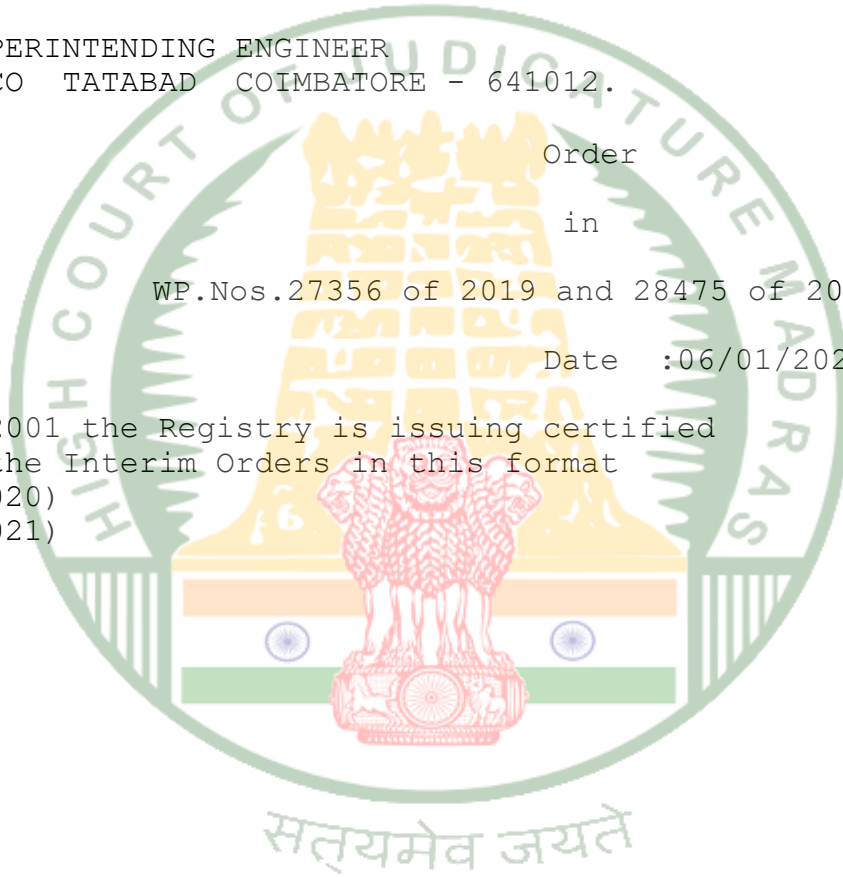
Order

in

WP.Nos.27356 of 2019 and 28475 of 2019

Date :06/01/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
KP(16/12/2020)
KP(11/01/2021)



WEB COPY