

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Thirtieth day of June 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 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

[R2 DELETED VIDE ORDER DATED 09.06.2021 MADE IN WMP.4685/2021 IN
WP.27356/2019 BY CJ, SKRJ]

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

14 COIMBATORE DISTRICT IRULA SAMUGA NALA
SANGAM, REPRESENTED BY ITS PRESIDENT
MALLAN NANJAN OLD 9/8, VADAKALLUR ANAIKATTI,
24 VEERAPANDI ANAIKATTI (NORTH), ANAIKATTI,
COIMBATORE 641 108.

15 V.VENUGOPAL

16 RANGANATHAN

17 THADAGAM S.GANESH

18 MANICKARAJ

19 RANGARAJ CHINNAMA NAIDU

(R14 TO R19 IMPEADED VIDE ORDER DATED 04/12/2020 MADE IN
WMP.18164/2020 IN WP.28475 BY VKJ, MSRJ)

Writ Petitions 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 : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.SP.CHOCKALINGAM, Advocate for the petitioner in WP.No.27356/2019 and of M/S.C.DEIVASIGAMANI, Advocate for the petitions in WP.No.28475/2019 and of M/S.C.HARSHA RAJ, Advocate for the state in WP.No.27356/2018 the court made the following order:-

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

These matters pertain to the vanishing elephant corridors, the proposed restoration thereof and, generally to rid the menace of brick kilns that destroy the forest life and vegetation.

2. The petitioners submit that one of the corridors has been restored upon the illegal resorts being closed down. The petitioners say that the closure of illegal resorts in such regard has also received the imprimatur of the Supreme Court.

3. However, the petitioners say that other corridors have to be restored and action has to be taken against brick kilns.

4. It is submitted by the State that a status report has been filed indicating all the measures that have been taken. Such status report dated June 26, 2021 indicates certain measures taken, but it does not appear that all the elephant migratory paths and identified as corridors in the various forest divisions have been addressed or attended to. It is hoped that further steps would be taken by the State, particularly as the last six or eight weeks may have been lost due to the lockdown following the second surge. A further status report dealing with the other corridors in the Coimbatore Forest Division and in the Nilgiris and thereabouts should be filed.

5. There are some brick kiln owners seeking to raise their voice in protest and giving an impression that they may have been unfairly proceeded against. The subject-matter of the present proceedings is to ensure that forest land and corridors and paths used by animals are not encroached onto by humans. If there are brick kilns and such brick kilns are in the corridors or paths, appropriate measures are to be taken in accordance with law and upon notice to them. The object of the petition is only to ensure that the corridors and paths are freed from encroachments and human activities to allow the free movement of animals.

6. The observations above should not be misinterpreted by the brick kiln owners as giving them a further opportunity in respect of matters finally dealt with by the State in the orders dated June 13, 2021 covering about 172 brick kilns.

7. The status report filed by the State should be forwarded to advocate for the petitioners.

List on July 22, 2021.

-sd/-
30/06/2021

/ TRUE COPY /

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 DISTRICT COLLECTOR
COIMBATORE DISTRICT, GOPALPURAM, COIMBATORE-6410108

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

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

5 GOVERNMENT OF INDIA
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CHANGE, INDIRA PARYAVARAN BHAVAN, JORBAGH
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TANGEDCO TATABAD COIMBATORE - 641012.

Order

in

WP.Nos.27356 of 2019 and 28475 of 2019

Date :30/06/2021

From 26.2.2001 the Registry is issuing certified
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KP(16/12/2020)

KP(11/01/2021)

KP(11/02/2021)

KP(02/07/2021)