

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19/6/2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.13694 of 2019

Mr.Ravikumar

... Petitioner

Vs

1. The Collector of Nilgiris
Office of District Collector
The Nilgiris 643 001.
2. The Principal Chief Conservator of
Forests & Chief Wild Life Warden
Department of Forests
Government of Tamil Nadu
No.1 Jeenis Road
Panagal Maligai Buildings, Saidapet
Chennai 600 015.
3. The Chief Conservator of Forests
& Field Director
Mudumalai Tiger Reserve
Mount Stuart Hill
Udagamandalam 643 001.
4. The District Forest Officer
Nilgiris North Division
Mount Stuart Hill
Udhagamandalam 643 001.
5. The Wild Life Warden
Mudumalai Tiger Project
Udhagamandalam 643 001.
6. The Range Officer
Sigur Range
Masinagudi 643 221.

... Respondents

Prayer Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to forthwith stop all vehicles other than Government bus/vehicles of the residents of Anaikatti & Sigur Tribal Hamlets from entering the Vazhaithottam - Anaikatti - Sigur road or into any other part of the said Sigur Reserve Forest.

For petitioner ... Mr.C.A.Diwakar

For respondents ... Mr.S.V.Vijay Prashanth
Additional Government Pleader
(Forests)

O R D E R

(Order of the Court was made by Subramonium Prasad, J)

Petitioner who claims that he is an environmentalist and an avid Wild Life enthusiast has filed the instant writ petition, praying for issuance of a writ of mandamus, to direct the respondents to forthwith stop all vehicles other than Government bus/vehicles of the residents of Anaikatti & Sigur Tribal Hamlets, from entering Vazhaithottam - Anaikatti - Sigur road or into any other part of the said Sigur Reserve Forest.

2. Petitioner in the writ petition states that Sigur reserve forest and the adjoining areas fall in Elephant corridor, and has been notified by the Government, vide, G.O.Ms.No.125, dated 31/8/2010. It is stated that the Reserve forest is home to several wild animals, birds, insects and reptiles etc.,. Entry into the Sigur reserve forest is restricted. It is stated that, since Sigur reserve forest is notified as a Elephant corridor, the Hon'ble Supreme Court in its various orders has closed down all the hotels and resorts which have dropped up in the area.

3. It is further submitted in the writ petition that despite the fact that all the resorts have been closed, number of vehicles carrying tourists are plying in the forest and crossing the check post. Petitioner would state that the area is being littered with garbage and plastic waste, which are detrimental to wild life.

4. Petitioner would state that this area has become a tourist attraction and the Government is turning a blind eye to it. Inaction on the part of the Government amounts to violation of the order of the Hon'ble Supreme Court. Petitioner, and in these circumstances prayed for a complete ban on the movements of vehicles, in the reserve forest.

5. On notice, Deputy Director, Mudumalai Tiger Reserve, Masinagudi, has filed counter. It is accepted in the counter that the entire sigur plateaus was notified as a elephant corridor, vide, G.O.Ms.No.125, Environment & Forests (FR 5) Department, dated 31/8/2010. It is stated that, pursuant to the orders passed by the Hon'ble Supreme Court, in W.P.No.897 of

1996, dated 9/8/2018, all the hotels and resorts running in the area have been closed down and 38 resorts have been sealed.

6. It is stated that, due to the order of the Hon'ble Supreme Court of India, people living inside the forest were not able to come in and go out of the Reserve Forest for their livelihood. It is also stated that there is a severe loss of livelihood in that area and for this purpose, restricted vehicle movement was permitted.

7. It is further stated that all the precautionary measures have been put in place for checking jeeps and tourists, not to carry any plastic or food materials while going inside the forest area. Daily patrolling is done in the entire area, the jeep drivers are thoroughly monitored and are brought under scan. Even in the worst case, if any plastic or unwanted material is found inside, they are immediately cleared by the Eco sanitary watchers, specially engaged for this purpose on daily basis and thus, the sanctum sanctity of the area is maintained. The statement of the petitioner that several tourists trek into the forests, park the vehicles on the road side, etc., are totally baseless and false. The jeep operators are often given clear caution that they should not park or stop vehicles anywhere and not to make the tourists to get down from the vehicles while inside the forest area. Regular monitoring is done by patrolling and checking the vehicles to ensure the above.

8. It is stated that the tourism has been regulated and is running in a controlled manner under the Forest Department and the main aim for pursuing eco tourism activities in the buffer area is to reduce the tourism activity in core zone as per the NTCA guidelines. Eco development Committees have been formed and through them also the activities are monitored and hence the contention of the petitioner that the forest officials are keener on collecting the toll charges than the welfare of the forest and animals does not hold good, instead the concern of the department is to protect the forests with regulated eco tourism activities.

9. It is further stated that eco tourism activity is carried only based on the principles of buffer area stipulated by the National Tiger Conservation Authority, with the twin aim of protection of forests and strengthening the livelihood of the people living in and around the forests. In NTCA guidelines, under the implementation strategy for buffer zone area, a component Tourism is framed where few of the following points are taken into consideration.

- * Facilitating wildlife eco tourism involving local host communities.

- * Facilitating wildlife tourism on private lands in the

vicinity as per the normative guidelines.

- * Obtaining contributions from the tour operators for maintaining tourist facilities staff welfare.

- * Recycling of tourist gate receipts for community welfare through conservation foundation.

10. Functioning of the full fledged eco tourism as per proper guidelines is in progress and the present arrangement of using the local jeeps will also be slowly reduced and put to an end at one time. After a while, only eco tourism vehicles operated by the Eco Development Committee under the guidance of the Forest Department will be running thereby regulating the tourists and reducing the tourism activities in the core area. Moreover, visit of the tourists is also regulated and there is no room for ecological and environmental disaster as contended by the petitioner. It is also pertinent to note here that the Ministry of Environment and Forests, Government of India in the guidelines for eco tourism in and around protected areas has stated the following principles for implementation of eco tourism:

- * Highlight the heritage value of India's wilderness and protected area

- * Build environmental and cultural awareness and respect.

- * Facilitate the sustainability of eco tourism enterprise and activities

- * Provide livelihood opportunities to local communities.

11. Heard Mr.C.A.Diwakar, learned counsel for the petitioner and Mr.S.V.Vijayprashanth, learned Additional Government Pleader (Forests) for the respondents.

12. On the averments made in the writ petition and photographs enclosed, Mr.C.A.Diwakar, learned counsel for the petitioner submitted that there are violation. On the contra, Mr.S.V.Vijayprashanth, learned Additional Government Pleader (Forests) submitted that adequate steps to conserve and preserve the forest are being taken. Material on record shows that Deputy Director, Masinagudi, has written a letter, dated 20/2/2019 to the Principal Chief Conservator of Forests, Panagal Maligai, Chennai, directing that the vehicles should be permitted only from 6 a.m., to 6.30 p.m., through the affected Vallaitthottam check post. Vehicles are permitted only for the tribal people of Anaikatti and siriur for their day-to-day activities. Letter further states that after the order of the Honb`le Supreme Court, all the hotels have been closed down and since the livelihood of the people are affected, some vehicle drivers have requested the Forest Department to operate the vehicles. On the said request, passenger vehicles are being allowed on charge basis, on condition to use the thar road, that

too, upto, Siraiyur only.

13. It is also stated that temporary employees have been engaged in the entire Siriyur area to remove the waste from that area. Instructions have been given to vehicle operators and public, travelling in the jeeps not to stop on the road upto Siriyur temple and not to litter food and plastics. It is clearly stated that private vehicles are not allowed inside forest area and they have to confine themselves to thar road.

14. On a careful perusal of the materials available on record, it is evident that the respondents are taking suitable steps to ensure that adequate protection is given to wild life. Respondents are alive to the ecological degradation and they are taking all steps to preserve the same. It is further stated in the counter that as per the guidelines prescribed by the NTCA, tourism has to be reduced within 20% in the core area. Efforts have been taken to rehabilitate persons.

15. It is further stated in the counter that 943 residents are there in the forest area of buffer zone and that their livelihood has to be preserved and protected. It is also very categorically stated that Forest Department is not interested in making money from tourism vehicles or through tourism activities. The idea is to ensure that livelihood of the people should not not disturbed.

16. We are satisfied with the measures taken by the respondents. Respondents are directed to ensure that safety in the area should not be affected and respondents will ensure that orders of the Supreme Court for preserving the forest will be followed in letter and spirit.

17. In view of the above, no direction is required, at this juncture and accordingly, writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs.

To

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6. The Range Officer
Sigur Range
Masinagudi 643 221.

+1 cc to Mr.C.A.Diwakar, Advocate, Sr.No. 50851

+1 cc to The Government Pleader, Sr.No. 50031

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VGII(CO)

CSL/23.07.2019

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