



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Judgment	Date of Pronouncing the Judgment
12.11.2019	20.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) No.727 of 2019
and
C.M.P. (MD) No.6331 of 2019
and
W.P. (MD) No.15674 of 2019
and
W.M.P. (MD) Nos.12350, 12352 & 12353 of 2019

W.A. (MD) No.727 of 2019:

1.The District Collector
Tirunelveli District
Tirunelveli ...1st Appellant/1st Respondent

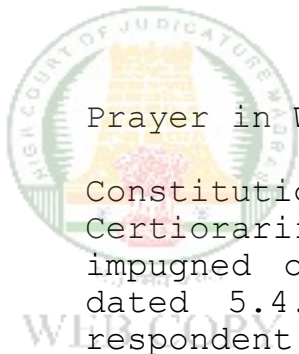
2.The District Forest Officer cum
Chief Conservator of Forests
Tirunelveli Division
Tirunelveli District ... 2nd Appellant/Writ Petitioner

-vs-

1.A.Kavu Pandian ...1st Respondent/Writ Petitioner

2.The Executive Officer
Courtalam Special Grade Town Panchayat
Courtalam
Tirunelveli District ...2nd Respondent/2nd Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 12.04.2019, passed in W.P.(MD) No.8725 of 2019, on the file of this Court.



Prayer in WP(MD). 8725/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the 2nd respondent in Na.Ka.13/2018/Aa1 dated 5.4.2019 and also the impugned order issued by the 3rd respondent in Na.Ka.No. 7033/2018/Va dated 8.3.2019 and quash the same and consequently direct the respondents to allow the petitioner to continue the lease till 31.3.2020 and collect the bath fee at Chittaruvi

For Appellants : Mr.A.K.Baskarapandian
Special Government Pleader

For Respondents : Mr.Veera Kathiravan, Senior Counsel
Assisted by Mr.A.Saravanan for R1

W.P. (MD) No.15674 of 2019:

A.Kavu Pandian ... Petitioner

-vs-

1.The Principal Conservator of Forests
Panagal Maaligai
Saidapet
Chennai-600 015

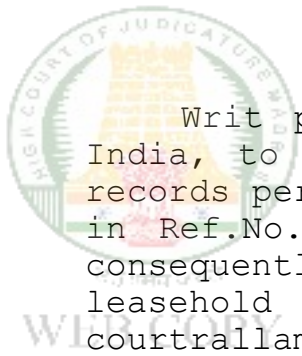
2.The Chief Conservator of Forests
Tirunelveli Circle
Tirunelveli

3.The District Forest Officer
Tirunelveli Division
Tirunelveli District

4.Dr.P.Durairasu
Principal Conservator of Forests
Panagal Maaligai
Saidapet
Chennai-600 015

5.K.Thirumal
District Forest Officer
Tirunelveli Division
Tirunelveli District

... Respondents



Writ petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order issued by the 1st respondent in Ref.No.TS4/29308/2019 dated 03.07.2019 and quash the same and consequently restraining the respondents from anyway disturbing the leasehold right of the petitioner as per the proceedings of the courtrallam town panchayat dated 11.03.2019.

For Petitioner: Mr.Veera Kathiravan, Senior Counsel
Assisted by Mr.C.Jegannathan

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader

C O M M O N J U D G M E N T

T.S.SIVAGNANAM, J.,

The writ appeal has been filed by the District Collector, Tirunelveli District and the District Forest Officer-cum-Chief Conservator of Forests, Tirunelveli Division, challenging the order dated 12.04.2019, passed in W.P.(MD) No.8725 of 2019.

2. The first respondent in the writ appeal is the writ petitioner in W.P.(MD) No.8725 of 2019.

3. The writ petition in W.P.(MD) No.15674 of 2019 has been filed by the first respondent in the writ appeal praying for issuance of a writ of certiorarified mandamus to quash the order, dated 03.07.2019, passed by the Principal Chief Conservator of Forests, Chennai, and consequently, to restrain the Forest Department from anyway disturbing the leasehold right of the writ petitioner in terms of the proceedings of the Courtrallam Town Panchayat, dated 11.03.2019.

4. Since the matters are interconnected, we have heard the matters together and dispose of the same by this common Judgment.

5. For easy reference, the parties shall be referred to as per the rank in the writ petition, namely, the first respondent in the writ appeal shall be referred to as "the writ petitioner" and the Forest Official, who is the second appellant in the writ appeal and the respondents in the writ petition, shall be referred to as "the respondents" in this common Judgment.

6. We have heard Mr.Veera Kathiravan, learned Senior Counsel assisted by Mr.C.Jeganathan and Mr.A.Saravanan, learned counsel for the writ petitioner and Mr.A.K.Baskarapandian, learned Special



Government appearing for the respondents.

7. The writ petitioner filed the writ petition in W.P.(MD) No.8725 of 2019 challenging the proceedings of the Executive Officer, Courtalam Special Grade Town Panchayat (hereinafter, referred to as "the Town Panchayat"), dated 05.04.2019 as well as the proceedings of the District Forest Officer-cum-Chief Conservator of Forests, Tirunelveli Division, dated 08.03.2019 and for a direction to allow him to continue the lease of collecting the bath fee at Chitteruvi falls, a natural waterfall in Courtalam, till 31.03.2020.

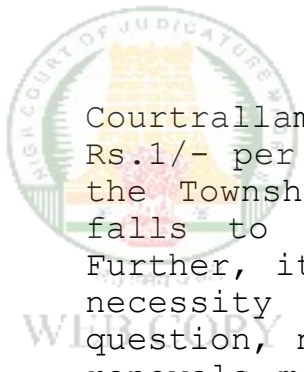
8. At the outset, we point out that the claim made by the writ petitioner that he is a lessee is incorrect. The writ petitioner cannot use the term "lease" as what was granted to him by the Town Panchayat was only a license to collect bathing fee. Licence so granted is, subject to the conditions contained therein, not transferable and liable to be cancelled at the option of the Town Panchayat. In the event of such cancellation, the writ petitioner cannot claim for restoration of the licence as the contract is not specifically enforced. If it is the case of the licensee that the termination of licence period was wrong, at best there can be a claim for compensation. With this caveat, we proceed to consider the merits of the contentions advanced before us by the learned Senior Counsel for the writ petitioner and the learned Special Government Pleader for the respondents.

9. We have also heard Mr.K.Thirumal, District Forest Officer, Tirunelveli, who was present in Court during the course of hearing.

10. The order impugned in the writ petition, dated 05.04.2019, passed by the Town Panchayat, informed the writ petitioner that the waterfall area, which was hitherto accessible by the Town Panchayat subject to payment of permit fee to the Forest Department, has been taken over by the Forest Department and the Town Panchayat has been divested of whatever rights they had and therefore, the writ petitioner cannot be permitted to collect bathing fee from the people, who come to the waterfalls, though the licence was granted by the Town Panchayat upto 31.03.2020.

11. It is the submission of the learned Senior Counsel that the order passed by the Town Panchayat is arbitrary, equally the order passed by the Forest Department is also arbitrary, unreasonableness and against all canons of law.

12. The submissions of the learned Senior Counsel largely rests upon a proceedings of the Chief Conservator of Forests, dated 05.02.1962. By the said proceedings, permit was issued to the then Township Committee to use the road leading to Chitteruvi falls in



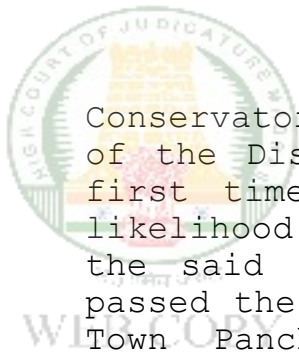
Courtrallam Reserved Forest, on payment of a nominal permit fee of Rs.1/- per annum. The reason for granting the permit was to enable the Township Committee to improve the approach to the Chitteruvi falls to the extent that recorded right of way would permit. Further, it is stated that the Chief Conservator of Forests sees no necessity for interfering with the present status of the land in question, namely, reserved forest land. Further, it is stated that renewals may be granted automatically so long as the land is used only to the purpose that recorded right in the reserved forest.

13. By referring to this proceedings, dated 05.02.1962, it is the argument of the learned Senior Counsel that the renewal in favour of the Town Panchayat is automatic and therefore, the Town Panchayat has been granting licence to collect bathing fee by conducting auction and with the income generated, the Town Panchayat receives funds, which are used by them for forest development activities. It is submitted that the licence granted to the writ petitioner was cancelled by the Town Panchayat by order dated 05.04.2019 by referring to the order of the Forest Department on the ground that they have taken over the waterfalls area.

14. It is submitted that considering all the facts and after elaborately hearing the parties, the learned Writ Court had passed the order protecting the interest of the Forest Department as well as that of the writ petitioner, who had been granted licence upto 31.03.2020.

15. The learned Senior Counsel has elaborately referred to the observations made by the learned Writ Court in its order dated 12.04.2019 and the directions contained therein and as to how the Forest Department has been governed the right to pass orders, simultaneously recording the submissions of the writ petitioner that he will ensure that public will be allowed to take bath in the waterfalls only from 06.00 a.m. to 06.00 p.m. and he will ensure that no soap, oil or shampoo is used and adequate men are deployed to prevent liquor consumption etc. Therefore, it is submitted that the appeal filed by the Department is not tenable and the writ petitioner should have been permitted to continue till the expiry of his licence period i.e. till 31.03.2020.

16. It is further submitted by the learned Senior Counsel that pursuant to the directions issued by the Writ Court giving liberty to the District Forest Officer to submit a proposal to the Head of the Department (Principal Chief Conservator of Forests) and even thereafter, the Head of the Department will have to associate with the writ petitioner as well as the Town Panchayat and pass final orders. It is submitted that without issuing any notice to the writ petitioner and without taking note of the communication sent by the Town Panchayat, unilaterally the Principal Chief



Conservator has passed the order dated 03.07.2019, based on a report of the District Forest Officer, dated 02.07.2019, wherein for the first time, the District Forest Officer states that there is a likelihood of animal human conflict in the said area and based upon the said report, the Principal Chief Conservator of Forests has passed the order, dated 03.07.2019, ignoring the stand taken by the Town Panchayat in their letter dated 19.06.2019 and without affording any opportunity to the writ petitioner.

17. Further, it is submitted that the stand taken by the Forest Department that there is a likelihood of animal human conflict, which is a new plea, is contrary to their stand that they proposed to permit people to take bath in the waterfalls and to regulate the same by forming an Eco Development Committee. The general public were permitted to take bath in the waterfalls ever since 1962 and there is no reported incident of any animal human conflict till date. Therefore, it is submitted that the order passed by the Principal Chief Conservator of Forests is unsustainable and the only change they seek to make is to substitute Eco Development Committee consisting of local people instead of a licensee of the Town Panhayat. Therefore, it is an attempt to exclude the members of the general public to participate in the public auction and grant licence in favour of certain persons, who are chosen by the Forest Department. Therefore, it is submitted that the procedure proposed to be adopted by the respondents is wholly arbitrary and liable to be set aside.

18. The learned Special Government Pleader for the respondents submitted that there is no *locus standi* for the writ petitioner to challenge the proceedings, dated 08.03.2019 passed by the Forest Department and as long as the Town Panchayat has no right, the claim made by the licensee of the Town Panchayat that he is entitled to continue collecting fees till 31.03.2020 is a plea that may be rejected. It is further submitted that the rights were given to the erstwhile Township Committee, which is the present Town Panchayat and if at all anybody is aggrieved, it should be the Town Panchayat and the writ petitioner has no right to claim any right. Even assuming that the writ petitioner has a right, that right cannot be extended beyond 31.03.2020 and the writ petitioner will have no *locus standi* to interdict the policy decision framed by the Forest Department bearing in mind the provisions of the Forest Laws enacted by the Central and State Government. Therefore, it is submitted that the order passed in the writ petition may be set aside and the writ appeal may be allowed and the writ petition challenging the order of the Principal Chief Conservator, dated 03.07.2019, may be dismissed.

19. After elaborately hearing the learned counsel for the parties, we need to point out that the writ petitions filed by the writ petitioner, namely, W.P.(MD) No.8725 of 2019 and 15674 of 2019



are liable to be dismissed on the sole ground that the writ petitioner lacks *locus standi* to question the proceedings of the Forest Department.

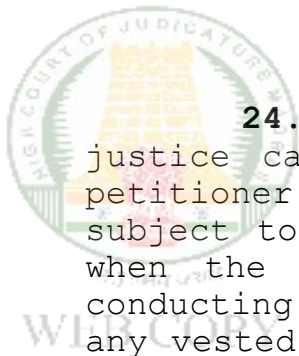
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20. As pointed out earlier, the writ petitioner is not a lessee, he is only a licensee and the license granted to him is subject to the permission granted to the Town Panchayat / Town Committee. If such permission is not in vogue, then the Town Panchayat cannot permit any person to act as its licensee. The Town Panchayat in no uncertain terms had intimated the writ petitioner that the Forest Department has taken over the entire area and the Town Panchayat has no right whatsoever and consequently, cancelled the licence, vide order dated 05.04.2019.

21. The facts of the case clearly demonstrate that the licence, which was cancelled, cannot be restored and if at all the writ petitioner has any remedy, it is only against the Town Panchayat, probably seeking for remission or refund of proportionate licence fee. However, this also is not possible, because what has been paid is an admissible amount and there is no restriction on the number of persons, who will be permitted by the licensee / writ petitioner. Therefore, the writ petitioner cannot even seek for any remission of the licence fee for the unenjoyed period of licence i.e. Till 31.03.2020.

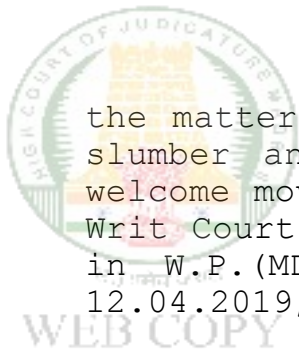
22. In such facts situation, we do not agree with the learned Single Judge in issuing a direction to the Forest Department to associate with the writ petitioner and take a decision. The writ petitioner is nobody and cannot dictate any terms to the Forest Department. For that matter, no person has a vested right to enter upon an area classified as a reserved forest, subject of course to the permission being granted. Therefore, a person, who has absolutely no *locus standi* cannot be made to be associated with the Forest Department, while deciding as what needs to be done by the Forest Department in respect of the area, which is notified as a reserved forest. On this sole ground, the writ petition was liable to be dismissed.

23. The undertaking given by the writ petitioner that he will ensure that no bathing activities will take place before 06.00 a.m. or after 06.00 p.m., people will not be permitted to use soap, shampoo or oil and adequate steps will be taken to prevent the liquor consumption is of little avail. We fail to understand as to what is the *locus* of the writ petitioner to offer such undertaking when he is nobody to be either consulted or discussed with. Thus, the writ petitioner has been elevated to a position, which he is not entitled to.



24. The question of violation of the principles of natural justice can never occur in such types of proceedings. The writ petitioner was fully aware that the licence so granted to him is subject to the permission given to the Town Panchayat. Therefore, when the basis itself goes, the question of issuing notice or conducting a hearing does not arise. The licence does not confer any vested right nor exclusive privilege and is terminable and non-transferable. Therefore, we cannot urge the principles of natural justice into these proceedings. These are all sufficient grounds to dismiss the writ petition in W.P.(MD) No.8725 of 2019.

25. One more reason for saying so is the nature of permission granted to the then Town Committee by the Forest Department. A careful reading of the proceedings of the Chief Conservator of Forests, Madras, dated 05.02.1962, will make the position clear. The said proceedings were issued after considering the proposal of the Conservator of Forest, Madurai, dated 28.11.1961, who proposed that the District Forest Officer may issue permit annually renewable levying a nominal permit fee of Rs.1/- per annum in favour of the Township Committee. It is important to note that what was the permit, which was granted to the Township Committee. The permit was pertaining to the road leading to Chitteruvi in Courtrallam reserved forest area. It is to be seen as to why such a permission was given by the Forest Department, that too at a nominal permit fee of Rs.1/- per annum. It is to improve the approach to the Chitteruvi falls to the extent that recorded right of way would permit. Therefore, the proceedings of the Chief Conservator of Forests, Madras, dated 05.02.1962, gave no right to the Township Committee to permit the people to take bath in the Chitteruvi falls and collect fees from them. The permission was only to improve the approach road to the extent that recorded right of way would permit. Thus, the entire premise based on which the petitioner has built up his case has to necessarily fall and fail. The Town Panchayat has misused the proceedings of the Chief Conservator of Forests, dated 05.02.1962, by giving a colour as if they have been given permit to control the waterfalls area and also collect fee from the general public, who come to take bath in the waterfalls. It is not clear as to why all these years, the Forest Department did not raise any objection to this action of the Town Panchayat. Therefore, the licence, which was granted to the writ petitioner by the Town Panchayat was illegal and without jurisdiction. This would be a substantial ground to reject the claim made by the Town Panchayat in their subsequent communication to the Principal Chief Conservator of Forests as well as their past actions. Had the matter was brought to the notice of the appropriate authorities at an earlier point of time, it would be a fit case, where the officers, those elected representatives of the Town Panchayat, officers of the Town Panchayat and the officers of the Forest Department were liable to be departmentally proceeded. However, because of passage of time, we cannot make an autopsy in



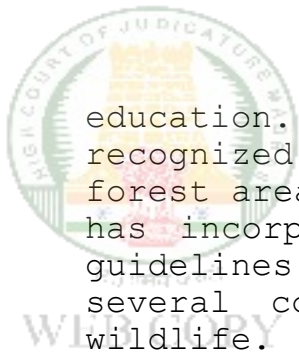
the matter, since the Forest Department has now woken up from deep slumber and has exercised its right, which in our opinion is a welcome move. Therefore, we are of the clear view that the learned Writ Court could not have issued any direction in the writ petition in W.P.(MD) No.8725 of 2019 and consequently, the order dated 12.04.2019, passed in the writ petition, is liable to be set aside.

26. Next, we consider the writ petition in W.P.(MD) No.15674 of 2019. This writ petition has been filed challenging order, dated 03.07.2019, passed by the Principal Chief Conservator of Forests. In fact, having allowed the writ appeal in W.A.(MD) No.727 of 2019, we would be well justified in dismissing the writ petition in W.P.(MD) No.15674 of 2019 as there is no right vested with the writ petitioner to raise any of the grounds raised before us in the writ petition. Nevertheless, since we heard the learned Senior Counsel at great length as well the learned Special Government Pleader and Mr.K.Thirumal, District Forest Officer, Tirunelveli, who was assisted by Mr.P.Pandiaraj, Forester, Courtrallam Range, we proceed to consider the correctness of the order passed by the Principal Chief Conservator of Forests, Chennai, dated 03.07.2019.

27. It is true that the District Forest Officer, in his proposal, had stated that there is a likelihood of animal human conflict if the licensee is permitted to continue or if the Town Panchayat is permitted to access the road. The contention of the writ petitioner that from 1962 there is nothing on record to indicate any such animal human conflict, can hardly be a reason to evaluate the correctness of the decision of the Forest Officer. Therefore, the writ petitioner cannot be heard to say that one has to wait till the wild animal attacks a person and then, after recording the injury or death, action should be initiated, because there is a likelihood of animal human conflict. In such matters, precautionary principle is required to be adopted, because the wealth of the forest is the wealth of the Nation and every citizen has a duty and constitutional obligation to protect the environment of the forest.

28. The other contention raised by the learned Senior Counsel for the writ petitioner is that the right to collect the licence fee, which was denied for the writ petitioner, is a right vested in a group of individuals, which is registered under the Tamil Nadu Societies Registration Act, 1975 and in fact, it is to be handled by a group of individuals chosen by the Forest Department. The said submission is without any basis. We say so in the light of the Tamil Nadu Ecotourism Policy-2017 (in short, "the Policy") framed by the Tamil Nadu Forest Department.

29. The Policy defines Ecotourism as responsible to travel into the natural areas, which conserve the environment, sustain the well-being of the local people and involve interpretation and



education. Further, the Policy states that Ecotourism has been recognized as a permissible activity in the protected areas and forest areas as per the guidelines of MoEF & CC and the State Policy has incorporated the basic tenets and is in consonance with the guidelines. Further, the Policy refers to Thirukkural, which has several couplets on conservation of nature and compassion for wildlife.

30. The object of Ecotourism Policy, as stated in Clause-4.0 of the Policy, is as follows:

- "4.1 To identify, promote and develop natural areas as ecotourism destinations.*
- 4.2 To develop ecotourism on each site based on the carrying capacity and to regulate the influx of visitors within the threshold level to preserve the sanctity of site.*
- 4.3 To promote ecofriendly infrastructure in conformity with the guiding principles.*
- 4.4 To facilitate partnerships between all stakeholders to develop, promote and maintain ecotourism sites.*
- 4.5 To create livelihood opportunities and share benefits with the local communities for their support to conservation.*
- 4.6 To build capacity of all stakeholders in interpreting the natural and cultural attributes of the sites, develop hospitality ethics and to provide quality visitors' experience.*
- 4.7 To evolve site specific code of conduct for visitor behavior and sustainable tourism.*
- 4.8 To promote nature conservation through education, creating awareness and enhance visitor learning experience for conservation.*
- 4.9 To develop monitoring and evaluation protocols for periodical assessment of the impact of ecotourism on forests, wildlife, communities and to gain insight on visitors' satisfaction."*

31. Clause 5.6 of the Policy deals with partnership and stakeholders and states that Ecotourism will be managed and promoted through partnership and co-operation between all stakeholders, viz., Local communities, NGOs, tour operators and Government Organizations, like, Hindu Religious & Charitable Endowment Department etc.

32. There is a State Ecotourism Board, which has been created as a special purpose vehicle and registered under the Tamil



Societies Registration Act, 1975, covering the entire State to assist in delivering the vision and the objectives of Ecotourism Policy mainly in the protected areas and other forest areas. The Forest Department is a Nodal Department for implementing the Policy, who has to create the special purpose vehicle, namely, the State Ecotourism Board. The Board shall strive to combine both nature-based as well as cultural tourism, in a complementary way within the context of environmental and socio-cultural sustainability. Further, the Board will promote ecotourism development and management that emphasizes the 'sense of place' that is unique to each destination. Further, the Board will have to ensure the involvement of viable community-based models of ecotourism by making sure that the 'community' is well-defined and incrementally empowered (both in terms of skills and financial resources) to eventually become self-sustaining.

33. The State Ecotourism Board will consist of the Principal Chief Conservator of Forests as the Chair Person; the Additional Principal Chief Conservator of Forests; Commissioner / Director, Tourism; two District Collectors by rotation, every two years; and Joint Secretary / Deputy Secretary, Environment and Forest Department.

34. There is also a District Level Ecotourism Management Societies, which shall be established to promote, manage and regulate ecotourism sites. The revenue generated from the ecotourism site in the District will be ploughed back for development of the site and surplus would be contributed to the District level society or to the State Ecotourism Board. The Policy also states that the Government of Tamil Nadu will provide assistance wherever possible for the development of infrastructure, ecotourism amenities, information and interpretation centers and facilities for organizing natural and cultural events.

35. As pointed out earlier, no person has a vested right to claim entry or use of forest area, roads etc. The State Government / Forest Department, through its officers at State level and District level, are entitled to impose restrictions. Precisely, for this reason, in 1962 the Forest Department gave permit to the Township Committee to improve the road and such permit was given only to the extent, which was marked by the Forest Department. Therefore, at best the Township Committee can maintain the road to the width permitted by the Forest Department and nothing more. Therefore, the plea raised by the writ petitioner virtually reducing the Ecotourism Committee to any other Society is to be outrightly rejected, after having gone through the Policy guidelines.

36. In the light of the above, the activity proposed by the Forest Department cannot be termed as a non-forest activity. This aspect has been properly explained in the affidavit filed by the



Principal Chief Conservator of Forests, dated 31.10.2019. Further, the affidavit also states about the successful ecotourism sites, especially in Tamil Nadu, which have all been done only through the Eco-Development Committee under the supervision of the Forest Department.

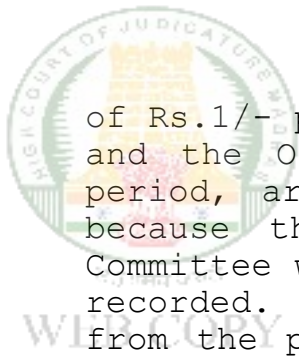
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37. At this stage, it would be relevant to refer the following paragraph in the affidavit filed by the Principal Chief Conservator of Forests.

"...Few successful eco-tourism sites well established and followed in India are (I) Thenmala and Palaruvi Eco-Tourism, Kerala (ii) Shoghi Camping Site, Shimla, Himachal Pradesh (iii) Achankoil Eco-Tourism, Kerala (iv) Thommankuthu Eco-Tourism, Kerala (v) Kochandy Eco-Tourism, Kerala and many more. Few successful eco-tourism site well established & followed in Tamil Nadu on similar lines with Chitraruvi are (I) Agasthiyar Falls, Kalakad Mundanthurai Tiger Reserve, (ii) Agaya Gangai Falls, Kollimalai, Namakkal, (iii) Boating in Mangrove creeks Palk Bay, Ramnad, (iv) Hogenakkal Eco-Tourism Society, Hogenakkal, (v) Kalikesam Eco-Tourism Society, Kanniyakumari (vi) Kovai Courtallam, near Coimbatore, (vii) Suruli Falls near Kodaikanal (viii) Elephant Safari, Theppakadu at Mudumalai (MTR) and many more. In all the places eco-tourism was done only through Eco-Development Committee (EDC) under supervision of Forest Department."

38. Pursuant to the orders passed by the Forest Department, the entire area is now under the control of the Forest Department and from the affidavit filed by the Principal Chief Conservator of Forests, we are able to see that within two months, the Eco-Development Committee has been able to generate revenue of Rs.8,52,000/-. It is stated that transparency in the Management of the Eco-Development Committee is maintained by introducing a machine ticketing system, daily reporting to senior officers viz., SMS, depositing daily revenue collection on the next day itself into Eco-Development Committee's account, reporting the progress regularly to the Executive Committee Members etc.

39. Thus, it is evidently clear that the Town Panchayat, without even remitting the nominal permit fee of Rs.1/- per annum, for all these years, have been permitting private persons to benefit out of the natural resource. We may not be wrong in presuming that there was a great nexus between the officials and the private players in carrying on such activities for several decades, that too the Town Panchayat has failed to even remit the nominal permit fee



of Rs.1/- per annum to the Forest Department. The Forest Department and the Officers, who were in administration during the earlier period, are also to be partially responsible for the illegality, because the right conferred in the year 1962 to the Township Committee was only to maintain the road to the width, which has been recorded. No right was granted to the Town Panchayat to collect fee from the people, who come to bathe in the waterfalls. This is a self-assumed right of the Town Panchayat and wholly illegal and this illegality continued to be perpetuated year after year until now when such illegality has been put to an end.

40. Thus, for the above reasons, we hold that the writ petitioner has not made out any ground to challenge the order, dated 03.07.2019, passed by the Principal Chief Conservator of Forests and we find that there is no error in the said order and therefore, the writ petition in W.P.(MD) No.15674 of 2019 is liable to be dismissed.

41. Before we part, we are constrained to make certain observations and issue consequential directions.

42. Photographs were produced before us by the District Forest Officer, Tirunelveli, who was present in Court. We find that changing rooms and rest-rooms have been constructed on the top of rocky terrain. Unmindful of the forest backdrop, without any thought process, exhibits lack of professionalism. The Town Panchayat has to be blamed for putting up such protruding structures in a forest area with utter disregard to the aesthetic landscape. Therefore, these offending structures have to be demolished completely and structures, which will amalgamate with the forest environment, have to be put up by the Forest Department and to be maintained in a clean and hygienic manner. The Forest Guards, who are posted to regulate the entry and exist, should be carefully chosen considering their sincerity and integrity and their activities should be supervised, CCTV Cameras should be installed at the entrance and the pathway and there should be a continuous monitoring. If this is done, the revenue will be triple within next two months. The tourists, who are permitted to enter into the area, should be thoroughly scanned for avoiding any plastic products, soaps, shampoos, detergents, oil etc., and all those belongings should be directed to be left outside the area, which will prevent any misuse. A set of employees should be deployed to ensure cleanliness and hygiene in the changing room and rest-room. To effectuate these directions / suggestions, it would be necessary to close down the entire area for at least a minimum period of thirty days, preferably during the time when the water in the falls recedes. After the premise is closed, all developmental activities should be done and the Forest Department can also associate with the premium architects, who are good in designing structures in forest



area and would be ready and willing to offer their services. These observations and directions shall be complied with by the Forest Department.

43. In the result,

- (i) the writ appeal in W.A.(MD) No.727 of 2019 is allowed;
- (ii) the order and direction issued in W.P.(MD) No.8725 of 2019, dated 12.04.2019, are set aside, consequently, W.P.(MD) No.8725 of 2019 is dismissed;
- (iii) W.P.(MD) No.15674 of 2019 is dismissed.
- (iv) the directions and observations contained in Paragraph No.35 of this Judgment shall be taken serious note of and be implemented by the Forest Department with utmost seriousness and preferably within a time frame to be fixed by the Principal Chief Conservator of Forests, Chennai.
- (v) No costs.
- (vi) Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

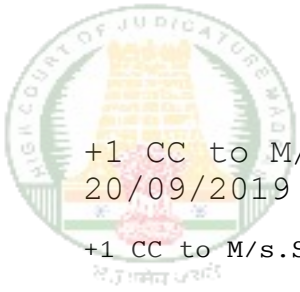
Sub Assistant Registrar(CS)

krk

To:

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Forest Officer-cum-
Chief Conservator of Forest,
Tirunelveli Division,
Tirunelveli District.
- 3.The Executive Officer,
Courtalam Special Grade Town Panchayat,
Courtalam,
Tirunelveli District.

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-16008[I] dated 20/09/2019)

+1 CC to M/s.SPL GP (SR-100377[F] dated 21/11/2019)

WEB COPY

COMMON JUDGMENT
IN
W.A. (MD) No.727 of 2019
and
C.M.P. (MD) No.6331 of 2019
and
W.P. (MD) No.15674 of 2019
and
W.M.P. (MD) Nos.12350, 12352 & 12353 of
2019

20.11.2019

KK/SAR/06.12.2019/15P-6C/