

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM :

THE HON'BLE MR.AMRESHWAR PRATAP SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.8525 of 2020

S.Stalin Raja

... Petitioner-in-person

-vs-

1. The Additional Chief Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai - 600 009.

2. The Principal Chief Conservator of Forests (PCCF)
and Chief Wildlife Warden,
Government of Tamil Nadu Forest Department,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to withdrawal of the proposal of denotify and demarcating the Vedanthangal Birds Sanctuary and further direction to evict the private industries illegally operating inside the Vedanthangal Birds Sanctuary boundary.

For Petitioner : Mr.S.Stalin Raja
Petitioner-in-person

For Respondents : Mr.S.R.Rajagopal
Addl. Advocate General
assisted by
Mr.Kamalesh Kannan
Government Advocate

ORDER

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

We have heard the petitioner-in-person and Shri S.R.Rajagopal, learned Additional Advocate General for the State of Tamil Nadu.

2. The contention of the petitioner is that if the boundaries of the birds sanctuary in Vedanthangal as declared are sought to be redefined and altered, thereby disturbing its ecological structure, it would be detrimental for the preservation of the wildlife, for which sanctuary was established. It is also the allegation of the petitioner that this is being done for the benefit of the private individuals and therefore, any such proposal by the State Government, which according to the petitioner is reflected in the announcement made by the Government on its website, would be contrary to the provisions of the Wild Life (Protection) Act, 1972. He submits that the creation of buffer zone and core zone, thereby demarcating the sanctuary, is only permissible in respect of tiger reserves and therefore, any proposal submitted by the State Government not being in public interest should be prevented.

3. Learned Additional Advocate General informs the Court that the State Government has submitted a proposal in terms of the provisions of Section 26A(3) of the Wild Life (Protection) Act, 1972 before the Board and unless such proposal is granted sanction, the State Government cannot, on its own, proceed to demarcate or redefine the boundaries as alleged by the petitioner.

4. We do not find the authority under Section 26A(3) of the Wild Life (Protection) Act, 1972 having been impleaded in the present writ petition, but at the same time, if the petitioner claims himself to be a public spirited person interested in the preservation of such wildlife sanctuary and if his allegations require consideration, it is open to the petitioner to inform such authority as well as the State Government about the alleged deficiencies or incompetence of the Government to proceed to redefine the boundaries, which shall be considered by the authority competent before proceeding to either accept or otherwise pass orders on the proposal stated to have been submitted before it by the State Government.

The writ petition, therefore, stands disposed of at this

stage with the aforesaid observation. No costs. Consequently,
W.M.P.No.10626 of 2020 is closed.

-s/d-
Assistant Registrar

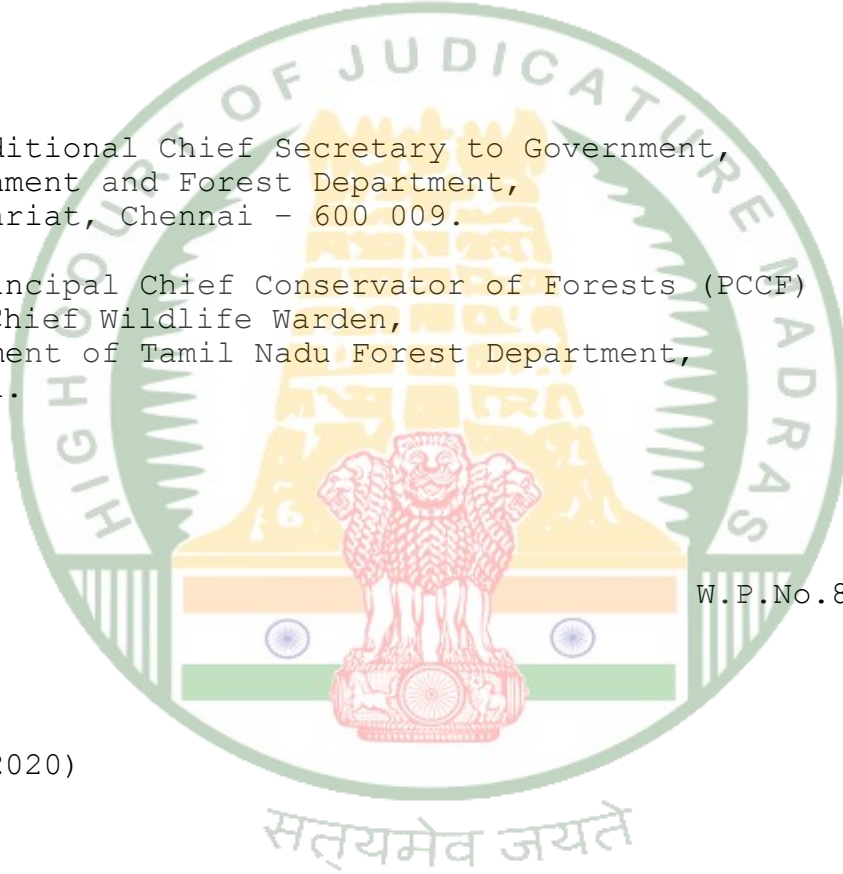
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Sub-Assistant Registrar

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To:

1. The Additional Chief Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai - 600 009.
2. The Principal Chief Conservator of Forests (PCCF)
and Chief Wildlife Warden,
Government of Tamil Nadu Forest Department,
Chennai.



W.P.No.8525 of 2020

MG (CO)
GS (17/08/2020)

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