



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-03-2024

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**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM
And
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**WP No.14411 of 2018
And
WMP No.17014 of 2018**

1.J.Kalan

2.Veerasamy

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Petitioners

-VS-

1.The District Collector,
Nilgiris District,
Ootacamund-643 001.

2.The Tahsildar,
Gudalur Taluk,
Nilgiris.

3.The Masinagudi Village Panchayat,
Represented by its Secretary,
Masinagudi,
Nilgiris.

4.Mr.Diwakar Ratnam (Alias) Diwakar Babu

Respondents



Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to immediately demolish the ground + I Floor building constructed by the fourth respondent in Survey No.391/3A2, Vazhaithottam Village.

For Petitioners : Mr.C.A.Diwakar
For Respondents-1 to 3 : Mr.A.Selvendran,
Special Government Pleader.
For Respondent-4 : Mr.T.Ayyasamy

ORDER

[ORDER OF THE COURT WAS MADE

BY S.M.SUBRAMANIAM, J.]

The Writ of Mandamus has been instituted to direct the respondents to immediately demolish the ground + I Floor building constructed by the fourth respondent in Survey No.391/3A2, Vazhaithottam Village.



2. The Government issued G.O.Ms.No.125, Environment and Forests (FR.5) Department, dated 31.08.2010, rejecting representations made by the applicants and objections by the public and the stakeholders against the formation of Elephant Corridor. Consequently, the Government directed the Principal Chief Conservator of Forests to publish the Final Elephant Corridor in the cadastral map prepared by the Expert Committee along with the Survey Numbers of private lands, which are falling within the proposed Elephant Corridor.

3. In view of the Government Order, cited supra, further actions were initiated by the Revenue Department and the Forest Department and the Authorities identified encroachments and unauthorised construction of buildings on Elephant Corridor .

4. Annexure-I to the Government Order provides reasons, which read as under:-

“SUMMARY

*The proposed Elephant Corridor is running
between the high mountains with an altitude of*



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2200 metres and moyar gorge of 20 kms length at about 600 metres drop dugout by the moyar river. The proposed Elephant Corridor is comprised of 22.64 kms length and 1.5 km breadth. This is the only viable connectivity between the Eastern Ghats and Western Ghats for about 900 elephants. The elephants should move from Eastern Ghats to Western Ghats with the change of Monsoons for habitat. Hence, the survival of the elephants depends on this Elephant Corridor in this area. The human beings have wide range of 1,30,000.058 km² for livelihood in the State. Whereas the elephants are depending on this small core area for survival.

This area is placed at a favourable elevation of about 900 m above mean sea level and enjoys a moderate/salubrious climate without extreme heat and cold. The range of temperature is generally between 15°C to 35°C, rarely falling below or raising over the above minimum and maximum temperatures. This area is also easily accessible to Udhagamandalam and Mysore. The rich and affluent people from largely outside the State is developing constructions for pleasure stay and parties in resorts. There are numerous



commercial resorts built indiscriminately in the last five years. Each private holding is bounded by solar electric fencing, virtually cutting across the Elephant Corridor. Hence, the people are developing this area for pleasure of individuals at the cost of elephant and wildlife. It is high time to protect the area from fragmentation by developmental activities of construction and holiday resorts and dangerous activities of solar energized electric fencing, to protect the elephant in this area. The claims are very largely made in the interest of private rights. The proposed Elephant Corridor is in the interest of protection of elephant and in public interest.”

5. In view of the facts and circumstances, the Authorities have initiated action to evict the encroachers and to remove unauthorised buildings in that locality.

6. Mr.A.Selvendran, learned Special Government Pleader, appearing on behalf of respondents 1 to 3, furnished copy of the written instructions issued by the District Collector, Nilgiris District dated 26.03.2024, stating that actions are initiated and on account of Election



Notification, they require some more time to remove the encroachments.

The relevant paragraphs of the written instructions submitted by the District Collector, read as under:-

“It is also stated that as the survey process of the buildings which are comes under elephant corridor is in progress, the claim of the petitioners to demolish the above building will be considered simultaneously during the eviction of the resorts, houses, buildings and agricultural lands etc., located in the corridor. The eviction of the above lands will involve large number of Revenue Officials, Police Officials and Forest Officials.

In the meantime, general elections Lok Sabha was announced and the entire District Administration is involved in the process of election. It is anticipated that eviction will lead to Law and Order situation. The disputed respondent land in survey field number 391/3A2, being a part of elephant corridor, will be evicted once the above process is completed. Moreover, there is possible of creating Law and Order to evict the above buildings.

Hence, the Hon'ble High Court may kindly consider the above details furnished and permit the



District Administration to treat this survey field number 391/3A2 encroachment as part of the main case in WP No.10098 of 2008 and permit the District Administration to evict the same after the completion of election.

As part of batch of cases with respect to Segur Elephant Corridor and I also humble request the Hon'ble High Court to permit to evict respondent No.4 long with other encroachers in the disputed Elephant Corridor. I humbly request the Hon'ble High Court to permit as minimum time of six months to commence the eviction.”

7. In view of the administrative decision taken by the Authorities to remove the encroachments and demolish the unauthorised construction of buildings on Elephant Corridors and they request time to execute the decision. Thus we are inclined to grant eight weeks time to evict the encroachments and demolish the unauthorised construction of buildings in that locality, namely, in Survey No.391/3A2.

8. With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the



connected miscellaneous petition is closed.

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(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)

26-03-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

1.The District Collector,
Nilgiris District,
Ootacamund-643 001.



WP No.14411 of 2



2.The Tahsildar,
Gudalur Taluk,
Nilgiris.

3.The Secretary,
Masinagudi Village Panchayat,
Masinagudi,
Nilgiris.

S.M.SUBRAMANIAM, J.
AND
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