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W.P.(MD) No.15001 of 2024, etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 06..11..2024

Orders Pronounced on : 03..12..2024

Coram

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

and

THE HONOURABLE MR.JUSTICE D. BHARATHA CHAKRAVARTHY

W.P.(MD) Nos.15001, 15012, 13104, 13375,
16381, 16501, 17911, 19108 & 24693 of 2024

and

W.M.P.(MD) Nos.11617, 11757, 11810, 12353
14204, 14339, 14471, 15354, 16164 & 16166 of 2024

W.P.(MD) No.15001 of 2024:

E.Rosemary

..... Petitioner

-Versus-

1.The Union of India,
Rep. by the Secretary,
Ministry of Environment,
Forest and Climate Change,
Indira Paryavaran Bhavan,
Jorbag Road, New Delhi 110 003.

2.The Union of India,
Rep. by the Secretary,
Ministry of Labour and Employment,
Shram Sakthi Bhawan Rafi Marg,
New Delhi 110 001.



W.P.(MD) No.15001 of 2024, etc. batch

3. The Union of India,
Rep. by the Secretary,
Ministry of Tribal Affairs,
4th Floor, B-Wing,
Shastri Bhawan,
New Delhi 110 001.
4. The Union of India,
Rep. by the Secretary,
Ministry of Social Justice and Empowerment,
Room No.202, 2nd Floor, C-Wing,
Shastri Bhawan,
New Delhi 110 001.
5. The Member Secretary,
National Tiger Conservation Authority of India,
B-1, Wing, 7th Floor,
P.T. Deen Dhayal Antyodaya Bhawan,
CGO Complex, New Delhi.
6. The Inspector General of Forest (Southern Zone),
The National Tiger Conservative Authority of India,
Regional Office,
Doresanipalya Forest Campus ,
Arckere Mico Layout,
J.P.Nagar, 5th Phase, Bengaluru.
7. The State of Tamil Nadu,
Represented through its Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai.
8. The State of Tamil Nadu,
Represented through its Secretary,
Revenue Department,
Secretariat, Fort St. George,
Chennai.



W.P.(MD) No.15001 of 2024, etc. batch

9. The State of Tamil Nadu,
Represented through its Secretary,
Forest Department,
Secretariat, Fort St. George,
Chennai.
10. The State of Tamil Nadu,
Represented through its Secretary,
Labour and Welfare Department,
Secretariat, Fort St. George,
Chennai.
11. The State of Tamil Nadu,
Represented through its Secretary,
Agriculture Department,
Secretariat, Fort St. George,
Chennai.
12. The State of Tamil Nadu,
Represented through its Secretary,
Department of Natural Resources,
Secretariat, Fort St. George,
Chennai.
13. The State of Tamil Nadu,
Represented through its Secretary,
Environment, Climate Change and Forest Department,
Chairperson, TANTEA,
Secretariat, Fort St. George, Chennai.
14. The Managing Director,
Tamil Nadu Tea Plantation Corporation,
Convent Road, Coonoor, The Nilgiris.
15. The District Collector,
Tirunelveli District,
Tirunelveli.



W.P.(MD) No.15001 of 2024, etc. batch

16.The Deputy Commissioner of Labour,
8/1A, St. Thomas Street,
Maharaja Nagar, Tirunelveli.

17.The District Forest Officer,
Tirunelveli Division,
NGOA Colony,
North Main Road, Tirunelveli.

18.The Executive Director,
Bombay Burmah Trading Corporation Ltd.,
9, Wallace Street Fort,
Mumbai, Majharashtra – 400 001.

19.The Director,
Bombay Burmah Trading Corporation Ltd.,
Singampatti Group of Estates,
Manjolai Post, Tirunelveli District.

..... Respondents

Prayer in W.P.(MD)No.15001 of 2024: This petition filed inder Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents / State Government to take over the Manjolai, Kakakchi, Nalumukku and Oothu estates and run through the 13th respondent namely Tamil Nadu Tea Plantation Corporation Limited (TANTEA) and further the respondents/ State Government may provide 4 hectares of land to the tea plantation workers for doing cultivation of their own in order to meet their livelihood and also to grant other monetary reliefs to the tea plantation workers based on petitioners representation dated 25.6.2024.



W.P.(MD) No.15001 of 2024, etc. batch

W.P.(MD) No.15012 of 2024:

Dr.K.Krishnasamy,
Son of Karuppusamy,
Founder and President,
Puthiya Tamilagam Party,
Head Office at Pothigai Illam,
1/2A, V.Gangadharan Street,
Nungambakkam, Chennai.

Residing at No.402H, Sangeetha Hospital,
Palakkad Main Road,
Kuniyamuthur,
Coimbatore South,
Coimbatore.

..... Petitioner

-Versus-

1.The Secretary,
Ministry of Environment, Forest and Climate Change,
Government of India,
Indira Paryavaran Bhavan,
Jorbag Road, New Delhi 110 003.

2.The Secretary,
Ministry of Labour and Employment,
Government of India,
Shram Sakthi Bhawan Rafi Marg,
New Delhi 110 001.

3. The Secretary,
Ministry of Tribal Affairs,
Government of India,
4th Floor, B-Wing,
Shastri Bhawan,
New Delhi 110 001.



W.P.(MD) No.15001 of 2024, etc. batch

4.The Secretary,
Ministry of Social Justice and Empowerment,
Government of India,
Room No.202, 2nd Floor, C-Wing,
Shastri Bhawan,
New Delhi 110 001.

5.The Member Secretary,
National Tiger Conservation Authority of India,
B-1, Wing, 7th Floor,
Pt. Deen Dhayal Antyodaya Bhawan,
CGO Complex, New Delhi.

6.The National Tiger Conservation Authority of India,
(Regional Office)
Doresanipalya Forest Campus ,
Arckere Mico Layout,
J.P.Nagar, 5th Phase, Bengaluru.

7.The Additional Chief Secretary,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai 600 009.

8.The Principal Secretary,,
Government of Tamil Nadu,
Home Department,
Secretariat, Fort St. George,
Chennai.

9.The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
St. George Fort,
Chennai 600 009

10.The Secretary to Government,
State of Tamil Nadu,
Forest Department,
St. George Fort, Chennai 600 009.



W.P.(MD) No.15001 of 2024, etc. batch

11. The Secretary to Government,
State of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Secretariat, St. George Fort,
Chennai 600 009.
12. The Secretary to Government,
State of Tamil Nadu,
Department of Labour Welfare and Skill Development,
Secretariat, St. George Fort, Chennai 600 009.
13. The Commissioner of Land Administration,
O/o Commissioner of Land Administration,
Chepauk, Chennai 600 005.
14. The District Collector,
Tirunelveli District,
Tirunelveli.
15. The District Forest Officer, (Tirunelveli Division),
O/o District Forest Office,
N.G.O.-A, Colony, North Main Street,
Tirunelveli.
16. The Deputy Director/Wildlife Warden,
Project Tiger,
Mukkudal Road, Ambasamudram,
Tirunelveli District.
17. The Revenue Divisional Officer,
Cheranmahadevi, Tirunelveli.
18. The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.
19. The Deputy Commissioner of Labour,
Tirunelveli District.



W.P.(MD) No.15001 of 2024, etc. batch

20. The Assistant Director of Town Panchayats,
Jawahar Nagar,
NGO Colony,
Palaymkottai, Tirunelveli 627 007.

21. The Superintendent of Police,
Highground Road,
Palayamkottai, Tirunelveli.

22. The District General Manager,
BSNL, South By Pass Road,
Vannarapettai,
Tirunelveli 627 003.

23. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai 600 004.

24. The Executive Director,
Bombay Burmah Trading Corporation Ltd.,
9, Wallace Street Fort,
Mumbai 400 001,
Maharashtra – India.

25. The Director,
Bombay Burmah Trading Corporation Ltd.,
Singampatti Group of Estates,
Manjolai Post, Tirunelveli District.

..... Respondents

Prayer in W.P.(MD) No.15012 of 2024: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 19th Respondent to cancel the Voluntary Retirement application submitted by the tea plantations workers under the coercion of BBTCL company i.e., 25th respondent and further respondents/State Government has to assign the land to an extent of 4 hectares to each tea plantation workers in other words the Traditional forest dwellers, who are living at Manjolai, Kakkachi, Nalumukku, Oothu and Kuthiraivetti villages as per Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and also to grant other monetary reliefs to each tea plantation workers in other words the Traditional forest dwellers based on Petitioners representation dated 30.06.2024.

W.P. (MD) No.13104 of 2024



W.P.(MD) No.15001 of 2024, etc. batch

P.Amutha

..... Petitioner

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-Versus-

- 1.The State of Tamil Nadu
rep. By its Secretary,
Revenue Department,
Secretariat, St. George Fort,
Chennai – 09.
- 2.The State of Tamil Nadu
rep. By its Secretary,
Forest Department,
Secretariat, St. George Fort, Chennai – 09.
- 3.The State of Tamil Nadu
rep. By its Secretary,
Rural Development & Panchayat Raj Department,
Secretariat, St. George Fort, Chennai – 600009.
- 4.Union of India
rep. By the Principal Secretary,
Ministry of Environment Forest,
Government of India,
501, C Wing, Shastri Bhawan, New Delhi.
- 5.The National Compensatory Afforestation
Fund Management and Planning Authority
(National Authority), rep. By Chief Executive Officer
Having Office at Hall No.1, 4th Floor,
Block No.3, CGO Complex, Lodhi Road,
New Delhi – 110 003.
- 6.The Commissioner of Land Administration,
O/o the Commissioner of Land Administration,
Chepauk, Chennai – 05.



W.P.(MD) No.15001 of 2024, etc. batch

7.The State Compensatory Afforestation Fund
Management and Planning Authority
rep. By its Member Secretary/
Chief Conservator of Forests, Chennai.

8.The District Collector,
Collectorate, Tirunelveli District.

9.The District Collector,
Collectorate, Thoothukudi District.

10.The District Collector,
Collectorate, Tenkasi District.

11.The District Forest Officer,
O/o the District Forest Officer,
Tirunelveli District.

12.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Cheranmahadevi, Tirunelveli District.

13.The Tahsildar,
Ambasamudram Taluk Office,
Tirunelveli District.

..... Respondents

Prayer in W.P.(MD) No.13104 of 2024: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to frame a Scheme for Rehabilitation for the 700 families of Manjolai Tea Plantation workers in Ambasamudram Taluk, Tirunelveli District by granting free house-site patta under RSO 21 and to construct houses to all the 700 families under Kalaingar Kanavu Illam scheme in light of GO (MS) No.70 dated 15.03.2024 (Rural Development and Panchayat Raj Department) on special consideration and also provide employment to the family members by accommodating at Government Rubber Corporation Kanyakumari, Guard



W.P.(MD) No.15001 of 2024, etc. batch

watcher in Kalakkadu Mundanthurai Tiger Reserve Forest, Anganwadi Worker, Anganwadi Helper, Noon-Meal Organizer, Noon-Meal Helper, Office Assistants or any other suitable posts at Tirunelveli or Thoothukudi or Tenkasi District and also to provide free higher education to the children of the Tea Plantation workers to ensure their uninterrupted education within the time stipulated by the court.

W.P. (MD) No.13375 of 2024

A.John Kennedy

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu
rep. By its Secretary,
Environment, Climate Change and
Forests Department,
Fort St. George, Chennai.
- 2.The State of Tamil Nadu
rep. By its Secretary,
Revenue and Disaster Management Department,
Fort St. George, Chennai.
- 3.The District Collector,
Tirunelveli District, Tirunelveli.
- 4.The Bombay Burmah Trading
Corporation (P) Ltd.,
through its Group Manager,
Manjulai Estates,
Ambasamuthiram Taluk,
Tirunelveli District – 627 420.

..... Respondents



W.P.(MD) No.15001 of 2024, etc. batch

Prayer in W.P.(MD) No.13375 of 2024: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3/State Government to take up the Manjolai Tea Plantations under the control of TANTEA and safeguard the livelihood of the Tea Estate Employees by considering the petitioner's representations dated 25.03.2018 and 14.05.2024.

W.P.(MD) No.16381 of 2024:

Nagarajan @ Vaigai Rajan

..... Petitioner

-Versus-

1. Union of India,
Rep. by The Principal Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan,
Ali Ganj, Jorbag Road,
New Delhi 110 003.
2. State of Tamil Nadu,
Rep. by The Principal Secretary,
Environment, Climate Change and Forests Department,
State Secretariat, Fort St. George,
Chennai.
3. The National Tiger Conservation Authority,
Rep. by The Assistant Inspector of General of Forests,
South Zone, Doresanipalya Forest Campus,
Arekere Mico Layout, JP Nagar, 5th Phase,
Bengalure, Karnataka - 560 076.
4. The Principal Chief Conservator of Forests,
Office of the Principal Chief Conservator of Forests,
Forest Headquarters Building,
Guindy-Velachery Main Road,
Near Kannikapuram Checkpost, Guindy, Chennai.



W.P.(MD) No.15001 of 2024, etc. batch

5.The District Collector,
Office of the District Collector,
Tirunelveli District.

6.The District Collector,
Office of the District Collector,
Tenkasi District.

7.The Field Director,
Kalakad Mundanthurai Tiger Sanctuary,
NGO Colony, Tirunelveli District.

8.The Bombay Burmah Trading Corporation (P) Ltd.,
Through its Group Manger,
Manjolai Etates, Ambasamuthiram Taluk,
Tirunelveli District.

..... Respondents

Prayer in W.P.(MD) No.16381 of 2024: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the directing the respondent No.1 to 7 to undertake appropriate measures for ecological conservation of the land in the part of Survey No.251, Zamin Singampatti Village Part II, Singampatti Forest Block, Ambasamudram Taluk, Tirunelveli District which was leased out to the respondent No.8 from tea plantations and other commercial plantations to the suitable habitation place for the wildlife by way of planting native tree saplings or native grass patches or any other native breed of plantations in Manjolai Division in accordance with law within the time stipulated by this court.

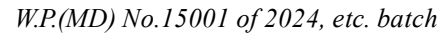
W.P.(MD) No.16501 of 2024:

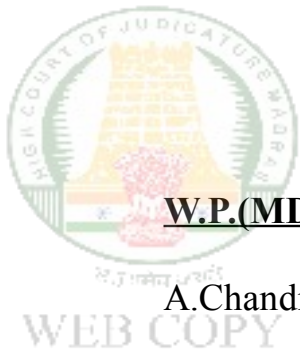
Papanasam

..... Petitioner

-Versus-

1.State of Tamil Nadu,
Rep. by The Principal Secretary,
Environment, Climate Change and Forests Department,
State Secretariat, Fort St. George,
Chennai.





W.P.(MD) No.15001 of 2024, etc. batch

W.P.(MD) No.17911 of 2024:

A.Chandra

..... Petitioner

-Versus-

1.The State of Tamil Nadu,
Rep. by its Secretary,
Environment, Climate Change and
Forest Department,
Fort St. George, Chennai.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

..... Respondents

Prayer in W.P.(MD) No.17911 of 2024: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents to evolve and frame a Scheme for the continuance of the plantation operations, preferably as an organic farm run by the collective of plantation workers domiciled and entrenched therein, as a Cooperative Society/ Former Producer Organization (FPO), Subject to compliance of the requirements of preservation of the environment and ecology unique to the Kalakkad-Mundanthurai Tiger Reserve Sanctuary, forming part of the forested Western Ghats without prejudice to its serenity and its rich flora and fauna.

W.P.(MD) No.19108 of 2024:

V.Sundararaj

..... Petitioner

-Versus-

1.Union of India,
Rep. by the Principal Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan,
Ali Ganj, Jorbagh Road, New Delhi.



W.P.(MD) No.15001 of 2024, etc. batch

2.State of Tamil Nadu,
Rep. by the Principal Secretary,
Environment, Climate Change and Forest Department,
Secretariat, Fort St. George,
Chennai.

3.The National Tiger Conservation Authority,
Rep. by The Assistant Inspector of General of Forests,
South Zone, Doresanipalya Forest Campus,
Arekere Mico Layout, JP Nagar, 5th Phase,
Bengalure, Karnataka - 560 076.

4.The Principal Chief Conservator of Forests,
Office of the Principal Chief Conservator of Forests,
Forest Headquarters Building,
Guindy-Velachery Main Road,
Near Kannikapuram Checkpost, Guindy,
Chennai.

5.The District Collector,
Office of the District Collector,
Tirunelveli District.

6.The District Collector,
Office of the District Collector,
Tenkasi District.

7.The District Forest Officer,
Office of the District Forest Officer,
Tirunelvelil Division, NGO 'A' Colony,
North Main Road, Tirunelveli District.

8.The Field Director,
Kalakad Mundanthurai Tiger Sanctuary,
NGO Colony, Tirunelveli District.

9.The Bombay Burmah Trading Corporation (P) Ltd.,
Through its Group Manger,
Manjola Etates, Ambasamuthiram Taluk,
Tirunelveli District.



W.P.(MD) No.15001 of 2024, etc. batch

..... Respondents

Prayer in W.P.(MD) No.19108 of 2024: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the Respondent Nos. 1 to 8 to set up or to form an expert committee to rejuvenate the forest in the tea plantations in Survey No. 251 of Zamin Singampatti Village Part II and also wherever the tea plantations are available in the Reserve in Tirunelveli and Tenkasi District which extends to 22979.19.0 Hectares in Singampatti Forest Block, Ambasamudram Taluk, Tirunelveli District based on the report of the Expert Committee in Manjolai Region in accordance with law within the time stipulated by this court.

W.P.(MD) No.24693 of 2024:

K.K.Ramakrishnan

..... Petitioner

-Versus-

- 1.The Chief Secretary to Government,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St. George, Chennai 600 009.
- 2.The Principal Secretary to Government,
Environment and Forests Department,
Namakkal Kavignar Maaligai,
Fort St. George, Chennai 600 009.
- 3.The Principal Chief Conservator of Forest (HOFF),
Forest Headquarters Building,
Guindy-Velacherry Main Road,
Guindy, Chennai 600 032.
- 4.The Principal Chief Conservator of Forest
& Chief Wildlife Warden,
Forest Headquarters Building,
Guindy-Velacherry Main Road,
Guindy, Chennai 600 032.

..... Respondents



W.P.(MD) No.15001 of 2024, etc. batch

Prayer in W.P.(MD) No.24693 of 2024: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents to take steps based on his representation dated 27.08.2024 to constitute a Department Committee consisting of officers at field level, circle level, Head office level of Forest Department, Law Department, on taking over the land and to take appropriate action to let the entire area as natural forest by totally shelving plantation activity and any other action in the interest of conservation and protection of forest and wildlife.

W.P.(MD) No.15001 of 2024

For Petitioner : Mr.C.Vakeeswaran

*For Respondent(s) Mr.Pon Senthil Kumaran,
Central Government Standing
Counsel for RR1 to 6*

*Mr.P.S.Raman,
Advocate General
Assisted by
Mr.P.Thilak Kumar,
Government Pleader and
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR7, 8, 10, 12, 15
and 16*

*Mr.J.Ravindran,
Additional Advocate General
Assisted by
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR9, 11, 13 and 17*

*Mr.Srinath Sridevan,
Senior Counsel for Mr.R.Murali
for RR18 and 19*

*Mr. Henri Tiphagne
[Being PIL, represented on his
own the entire Manjulai Tea
Plantation Workers Community in*



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W.P.(MD) No.15001 of 2024, etc. batch

all the writ petitions]

W.P.(MD) No.15012 of 2024

For Petitioner

*Dr.K.Krishnasamy,
Party-in-Person*

For Respondent(s)

*Mr.Pon Senthil Kumaran,
Central Government Standing
Counsel for RR1 to 6*

*Mr.P.S.Raman,
Advocate General
Assisted by
Mr.P.Thilak Kumar,
Government Pleader and
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR7 to 14 and 17 to
23*

*Mr.J.Ravindran,
Additional Advocate General
Assisted by
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR15 and 16*

*Mr.Srinath Sridevan,
Senior Counsel for Mr.R.Murali
for RR24 and 25*

W.P.(MD) No.13104 of 2024

For Petitioner : Mr.I.Pinaygash

*For Respondent(s) : Mr.P.S.Raman,
Advocate General
Assisted by
Mr.P.Thilak Kumar,
Government Pleader and
Dr.T.Seenivasan,
Special Government Pleader*



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W.P.(MD) No.15001 of 2024, etc. batch

*(Forest) for RR1, 3, 6, 8, 9, 10,
12 and 13*

*Mr.Pon Senthil Kumaran,
Central Government Standing
Counsel for RR4 and 5*

*Mr.J.Ravindran,
Additional Advocate General
Assisted by
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR2, 7 and 11*

W.P.(MD) No.13375 of 2024

For Petitioner : Mr.I.Robert Chandra Kumar

*For Respondent(s) : Mr.J.Ravindran,
Additional Advocate General
Assisted by
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for R1*

*Mr.P.S.Raman,
Advocate General
Assisted by
Mr.P.Thilak Kumar,
Government Pleader and
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR2 and 3
Mr.Srinath Sridevan,
Senior Counsel for Mr.R.Murali
for R4*

W.P.(MD) No.16381 of 2024

For Petitioner : Mr.T.Arul

For Respondent(s) : Mr.Pon Senthil Kumaran,



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W.P.(MD) No.15001 of 2024, etc. batch

*Central Government Standing
Counsel for RR1 and 3*

*Mr.J.Ravindran,
Additional Advocate General
Assisted by
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR2, 4 and 7*

*Mr.P.S.Raman,
Advocate General
Assisted by
Mr.P.Thilak Kumar,
Government Pleader and
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR5 and R6*

*Mr.Srinath Sridevan,
Senior Counsel for Mr.R.Murali
for R8*

W.P.(MD) No.16501 of 2024

For Petitioner : Mr.R.Venkatesan

*For Respondent(s) : Mr.J.Ravindran,
Additional Advocate General
Assisted by
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR1, 2 and 5*

*Mr.P.S.Raman,
Advocate General
Assisted by
Mr.P.Thilak Kumar,
Government Pleader and
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR3 and 4*



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W.P.(MD) No.15001 of 2024, etc. batch

*Mr.Srinath Sridevan,
Senior Counsel for Mr.R.Murali
for R6*

W.P.(MD) No.17911 of 2024

For Petitioner : Mr.ARM.Ramesh

*For Respondent(s) : Mr.J.Ravindran,
Additional Advocate General
Assisted by
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for R1*

*Mr.P.S.Raman,
Advocate General
Assisted by
Mr.P.Thilak Kumar,
Government Pleader and
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for R2*

W.P.(MD) No.19108 of 2024

For Petitioner : Mr.C.M.Arumugam

*For Respondent(s) : Mr.Pon Senthil Kumaran,
Central Government Standing
Counsel for RR1 and 3*

*Mr.J.Ravindran,
Additional Advocate General
Assisted by
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR2, 4, 7 and 8*

*Mr.P.S.Raman,
Advocate General,
assisted by Mr.P.Thilakkumar,
Government Pleader and*



W.P.(MD) No.15001 of 2024, etc. batch

*Dr.T.Seenivasan, Spl.
Government Pleader (Forest)
for RR5 and 6*

*Mr.Srinath Sridevan,
Senior Counsel for
Mr.R.Murali for R9*

W.P.(MD) No.24693 of 2024

For Petitioner : Mr.K.Subramanian

*For Respondent(s) : Mr.P.S.Raman,
Advocate General
Assisted by
Mr.P.Thilak Kumar,
Government Pleader and
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for R1*

*Mr.J.Ravindran,
Additional Advocate General
Assisted by
Dr.T.Seenivasan,
Special Government Pleader
(Forest) for RR2, 3 and 4*



W.P.(MD) No.15001 of 2024, etc. batch

COMMON ORDER

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N.SATHISH KUMAR.J.

These are public interest litigations seeking to

(i) protect the the rights of a group of people who were either Tea Plantation Workers on daily wage basis or employees in the Estates in Manjolai which was run by M/s. Bombay Burmah Trading Corporation (P) Limited (for short “BBTCL”) ;

(ii) challenging the applications received from the workers to permit them to go on Voluntary Retirement pursuant to the VRS announced by BBTCL on the ground that the workers were made to take VRS under duress;

(iii) direct *respondents/State Government to take over the Manjolai, Kakakchi, Nalumukku and Oothu estates and run through the 13th respondent namely Tamil Nadu Tea Plantation Corporation Limited (TANTEA)*

(iv) protect the reserve forest from being used for commercial purposes and restore the forest lands to the suitable habitation place for the wildlife by planting native tree saplings or native grass patches or any other native breed plantations; and



W.P.(MD) No.15001 of 2024, etc. batch

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(iv) for assignment of land in favour of the Tea Plantation Workers/Forest Dwellers.

(v) to evolve and frame a Scheme for the continuance of the plantation operations, preferably as an organic farm run by the collective of plantation workers domiciled and entrenched therein, as a Co-operative Society/ Former Producer Organization (FPO).

2 (i) **W.P.(MD) No.15001 of 2024** is filed by one E.Rosemary, a resident of Nalumukku village, claiming to be a Tea Plantation Worker and seeking a writ in the nature of mandamus directing the respondents / State Government to take over the Manjolai, Kakakchi, Nalumukku and Oothu estates and run through the 13th respondent namely Tamil Nadu Tea Plantation Corporation Limited (TANTEA) and further the respondents/ State Government may provide 4 hectares of land to the tea plantation workers for doing cultivation of their own in order to meet their livelihood and also to grant other monetary reliefs to the tea plantation workers based on petitioners representation dated 25.6.2024.

(ii) **W.P.(MD) No.15012 of 2024** is filed by Dr.K.Krishnasamy, a Physician, Social Worker, an Indian Politician and former Member of Legislative Assembly of Tamil Nadu and President of a Political Party – Puthiya Tamilagam Party and President of a Labour Union - Puthiya Tamilagam



W.P.(MD) No.15001 of 2024, etc. batch

Plantation Labour Union, seeking a writ in the nature of mandamus, directing the 19th Respondent to cancel the Voluntary Retirement application submitted by the tea plantations workers under the coercion of BBTCL company i.e., 25th Respondent and further respondents/State Government has to assign the land to an extent of 4 hectares to each tea plantation workers in other words the Traditional forest dwellers, who are living at Manjolai, Kakkachi, Nalumukku, Oothu and Kuthiraivetti villages as per Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006) and also to grant other monetary reliefs to each tea plantation workers in other words the Traditional forest dwellers based on Petitioners representation dated 30.06.2024.

(iii) **W.P.(MD) No.13104 of 2024** is filed by one P.Amutha, a resident of Manjolai Estate, claiming to be a Tea Plantation Worker and seeking a writ in the nature of mandamus directing the respondents to frame a Scheme for Rehabilitation for the 700 families of Manjolai Tea Plantation workers in Ambasamudram Taluk, Tirunelveli District by granting free house-site patta under RSO 21 and to construct houses to all the 700 families under Kalaingar Kanavu Illam scheme in light of GO (MS) No.70 dated 15.03.2024 (Rural Development and Panchayat Raj Department) on special consideration and also provide employment to the family members by accommodating at Government Rubber Corporation Kanyakumari, Guard watcher in Kalakkadu Mundanthurai



W.P.(MD) No.15001 of 2024, etc. batch

Tiger Reserve Forest, Anganwadi Worker, Anganwadi Helper, Noon-Meal Organizer, Noon-Meal Helper, Office Assistants or any other suitable posts at Tirunelveli or Thoothukudi or Tenkasi District and also to provide free higher education to the children of the Tea Plantation workers to ensure their uninterrupted education.

(iv) **W.P.(MD) No.13375 of 2024** is filed by one A.John Kennedy, a resident of Nalukukku Estate claiming to be a Tea Plantation Worker and seeking a writ in the nature of mandamus directing the respondents 1 to 3/State Government to take up the Manjolai Tea Plantations under the control of TANTEA and safeguard the livelihood of the Tea Estate Employees by considering the petitioner representations dated 25.03.2018 and 14.05.2024.

(v) **W.P.(MD) No.16381 of 2024** is filed by one Nagarajan @ Vagai Rajan, a resident of Madurai South, claiming to be a public interest activist and seeking a writ in the nature of mandamus, directing the respondent No.1 to 7 to undertake appropriate measures for ecological conservation of the land in the part of Survey No.251, Zamin Singampatti Village Part II, Singampatti Forest Block, Ambasamudram Taluk, Tirunelveli District which was leased out to the 8th respondent from tea plantations and other commercial plantations to the suitable habitation place for the wildlife by way of planting native tree saplings or native grass patches or any other native breed of plantations in



W.P.(MD) No.15001 of 2024, etc. batch

Manjolai Division in accordance with law.

(vi) **W.P.(MD) No.16501 of 2024** is filed by one Papanasam claiming to be an Agriculturist and a Former Panchayat President of Kodarankulam village, Ambasamudram Taluk, Tirunelveli District and seeking forbearing the respondent no.1 to 5 from providing the lease of possession or control of Reserved Forest Area in Survey No.251, Zamin Singampatti Village Part-II Singampatti Forest Block, Ambasamudram Taluk, Tirunelveli District to any Public or Private Sector for the commercial purpose consequently direct the respondent No.1 to 5 to facilitate suitable habitation for the free movement of wild animals by convert the commercial plantations planted by the 6th respondent in Manjolai Division to native breed of Plantations in accordance with law.

(vii) **W.P.(MD) No.17911 of 2024** is filed by one A.Chandra, a resident of Manjolai Estate claiming that his grandparents and parents worked in Manjolai Estates as Tea Plantation Workers and seeking a writ in the nature of mandamus, directing the respondents to evolve and frame a Scheme for the continuance of the plantation operations, preferably as an organic farm run by the collective of plantation workers domiciled and entrenched therein, as a Cooperative Society/ Former Producer Organization (FPO), subject to compliance of the requirements of preservation of the environment and ecology



W.P.(MD) No.15001 of 2024, etc. batch

unique to the Kalakkad-Mundanthurai Tiger Reserve Sanctuary, forming part of the forested Western Ghats without prejudice to its serenity and its rich flora and fauna.

(viii) **W.P.(MD) No.19108 of 2024** is filed by one V.Sundararaj, a native of Valayankulam village, Thiruparankundram Taluk, Madurai District and a practising Advocate, seeking a writ in the nature of mandamus, directing the Respondent Nos. 1 to 8 to set up or to form an expert committee to rejuvenate the forest in the tea plantations in Survey No. 251 of Zamin Singampatti Village Part II and also wherever the tea plantations are available in the Reserve in Tirunelveli and Tenkasi District which extends to 22979.19.0 Hectares in Singampatti Forest Block, Ambasamudram Taluk, Tirunelveli District based on the report of the Expert Committee in Manjolai Region in accordance with law.

(ix) **W.P.(MD) No.24693 of 2024** is filed by one K.K.Ramakrishnan, a resident of Chennai, claiming to be a person interested in planting trees and horticulture and seeking writ in the nature of mandamus, directing the respondents to take steps based on his representation dated 27.08.2024 to constitute a Department Committee consisting of officers at field level, circle level, Head office level of Forest Department, Law Department, on taking over the land and to take appropriate action to let the entire area as natural forest by totally shelving plantation activity and any other action in the interest of



W.P.(MD) No.15001 of 2024, etc. batch

conservation and protection of forest and wildlife.

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3. The common facts leading to the filing of these writ petitions are as follows:

(i) The petitioners in W.P.(MD) Nos.15001, 13104 and 13375 of 2024 claim that they were daily wage coolies as Tea Plantation Workers in the Manjolai Estate under M/s. Bombay Burmah Trading Corporation (BBTCL). The petitioner in W.P.(MD) No.17911 of 2024 claim that her husband-Alexander, was a employed under BBTCL as a driver. Her parents were also labourers in the Estates under BBTCL.

(ii) The BBTCL carried on tea plantations in the Estates at Manjolai, Kakkachi, Nalumukku and Oothu. The above said villages are situated under the governance of Manimutharu Special Grade Town Panchayat. There are 700 families and nearly 2500 Tea Plantation Workers residing in the above said Estate. At present, there is one Government Hospital at Manjolai and two Primary Hospitals at Nalumukku and Oothu and 3 Ration Shops each at Manjolai, Nalumukku and Oothu and there is a High School at Manjolai and two Primary Schools at Nalumukku and Oothu.

(iii) The said villages were originally part of Travancore Samasthanam and subsequently they were assigned to Singampatti Zamin. Later on, the then Singampatti Zamin leased out the lands measuring an extent of 8374 Acres



W.P.(MD) No.15001 of 2024, etc. batch

situated in the above said villages to BBTCL on 12.02.1929 through a registered lease deed for a period of 99 years. The lease period expires on 11.02.2028. After getting the above land on lease, BBTCL cleared the land and planted Tea, Coffee and Pepper with the help of the workers. The labourers are working in the Tea Plantation for more than four generations. After the abolition of Zamindari System, the above said lands were taken over by the Government under the Abolition Act, 1948. Thereafter, the Government permitted BBTCL to continue in lease with certain conditions.

(iv) The labourers served as Tea Plantation Workers in the said company for more than 30 years. The worker ID number of the petitioner is 1980. At the time of joining as Tea Plantation Worker in BBTCL, the petitioner was given daily wage of Rs.12/-. In 1998, Puthiya Tamilagam Party Leader, Dr.K.Krishnasamy, M.D., Ex. M.L.A. made a supervision in the said Estate and found that the Tea Plantation Workers in the Estate were treated as slaves. The daily wages given by BBTCL is meagre. Thereafter, Dr.K.Krishnasamy made a continuous protest for the welfare of the Tea Plantation Workers as against BBTCL. During protest, 17 Tea Plantation Workers lost their valuable **life**. After several protest conducted by Dr.Krishnasamy, BBTCL raised the daily wages to Rs.454/-.

(v) While so, the petitioners and other workers came to know that the



W.P.(MD) No.15001 of 2024, etc. batch

said lands in the Estates were declared as Kalakkad-Mundanthurai Reserve Forest on 28.02.2018. Before declaring the land as reserve forest, the Tea Plantation Workers were not properly heard by the Forest Settlement Office as envisaged under the Tamil Nadu Forest Act, 1882. The petitioners and other Tea Plantation Workers are otherwise called as Traditional Forest Dwellers. Without considering the livelihood of the Tea Plantation Workers, the Government declared the above said area as a Tiger Reserve Forest. Therefore, the BBTCL has to hand over the said estate to Government at the expiry of the lease period on 11.02.2028. The lives of Tea Plantation Workers like the petitioners are at lurch. They are skilled only in tea plantations.

(vi) On 30.05.2024, BBTCL announced the notice of Voluntary Retirement Scheme (VRS) for the workers in Singampatti Group, comprising Manjolai, Manimutharu and other Estate and Factories. One of the conditions for VRS was that they should vacate the Estates on or before August, 2024. The last date for submitting VRS application was 14.06.2024. After the submission of application for VRS, the Tea Plantation Workers had to vacate the place within 45 days. When the lease period actually comes to an end on 11.02.2028, without any reason, BBTCL has announced VRS for the workers and started compelling the workers to go on VRS and threatening the workers, if they failed to go on VRS, electricity connection and water connection will be disconnected.



W.P.(MD) No.15001 of 2024, etc. batch

In the above circumstances, finding no other way, tea plantation workers were forced to go on VRS. Thereafter, BBTCL forced the Tea Plantation Workers to vacate the houses through the Forest and Police Departments and they disconnected the electricity connection and water connection.

(vii) While so, the petitioner(s) made representations on 25.06.2024, 09.06.2024, 25.03.2018/14.05.2024 and 22.07.2024/27.07.2024 respectively on behalf of all the Tea Plantation Workers to the respondents herein to consider the livelihood of the Tea Plantation Workers and to cancel the application submitted by the under VRS which were obtained by BBTCL under coercion and also requested the Government to take over the Estate and run through Tamil Nadu Tea Plantation Corporation Limited (TANTEA) considering the livelihood of the Tea Plantation Workers. And further requested the Government of Tamil Nadu to provide 4 Hectares of land to Tea Plantation Workers for doing cultivation by themselves in order to meet their livelihood and also grant monetary reliefs for the retrenchment and in other words VRS provided by BBTCL. Their representation to the respondents was neither considered nor rejected. All their efforts turned into futile. Later, on 29.06.2024, the electricity connection was restored due to the intervention of the High Court in one of the writ petition which was then pending for adjudication.

(viii) The children of the Tea Plantation workers are studying in the



W.P.(MD) No.15001 of 2024, etc. batch

Primary and High Schools in the above said villages. Due to sudden closure of BBTCL and retrenchment of the Tea Plantation Workers, their future and welfare of the children is in peril. In this particular area there was no man animal conflict and there is no endanger to the wild animals. There is also no case as of now to show that tea plantation workers causing endanger to the wild animals. This particular area ecosystem and biosphere are entirely different from the other areas. The tea plantation workers in other words Traditional Forest Dwellers have no source to migrate because of compulsory foreclosure of BBTCL. The State Government may take the Manjolai Estates and run the Estates under the control of TANTEA. It is for the Government to provide basic shelter and food and therefore, running the above said Estate through Government will not be a great task while considering the livelihood of the tea plantation workers.

(ix) In order to ensure the livelihood of the tea plantation workers, the State Government must provide 5 – 10 Acres for each tea plantation worker under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

(x) The writ petition in W.P.(MD) No.15012 of 2024 while challenging the Voluntary Retirement Applications submitted by the Tea Plantation Workers on the ground that they were obtained under coercion by BBTCL, seeks



W.P.(MD) No.15001 of 2024, etc. batch

allotment of land to each plantation workers on the ground that they are forest dwellers living in Manjolai, Kakkachi, Nalumukku, Oothu and Kuthiraivetti villages as per the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and also seeks monetary reliefs to each of them.

(xi) The petitioners in W.P.(MD) Nos.16501, 16381, 19108 and 24693 of 2024 have come up, seeking directions to the authorities concerned for the conservation of the tiger and other wildlife; to take appropriate steps for the conservation of the forest and to protect the reserve forest and make the reserve forest suitable habitation place for the wildlife by planting native tree saplings, native grass patches or any other native breed of plantations in Manjolai Division.

4. The stand of the State Government as culled out from the Status Report filed by the Special Secretary (Forest), Environment, Climate Change and Forest Department is as follows:

(i) Before the independence, the Manjolai Tea Estate was under the control of the Singambatti Zamin. In 1929, the Singambatti Zamin leased the Manjolai tea estate to the BBTC for 99 years. In 1952, the BBTC renewed its lease. The 99-year lease is set to expire in 2028.



W.P.(MD) No.15001 of 2024, etc. batch

(ii) The State Government by its G.O. Ms. No. 246 Forests and Fisheries Department, dated 23.03.1978 declared the entire extent of the then Singampatti Zamindar forests (22,972.20 ha) under Section 4 of Tamil Nadu Forest Act, 1882 including the lands leased to BBTCL (3388.78 ha) and declared it as a Reserve Forest. The BBTCL after a series of legal fight has decided to close down its tea plantation activities though the lease comes to an end in February, 2028. The Managing Director of Tea Plantation Corporation (TANTEA) informed the Government that taking over of the area where the Manjolai Estate is situated is not feasible since the area has been declared as a tiger sanctuary in 2012 and it has been declared as a reserve forest by a notification in 2018.

(iii) Therefore, it has now been decided by the State Government to take control of the area and evict the workers. The State Government has come up with a detailed proposal to extend support for the rehabilitation and resettlement of the tea plantation workers. The State Government has in its status report set out a bundle of reliefs for the tea plantation workers including housing scheme at free of cost and financial assistance by way of loans and advances with subsidy and at lesser rate of interests.

W.P.(MD) Nos.15001, 15012, 16381 and 19108 of 2024:

5. On behalf of (a) Ministry of Environment, Forest and Climate Change;



W.P.(MD) No.15001 of 2024, etc. batch

(b) National Tiger Conservation Authority of India; and (c) National Tiger Conservation Authority of India (Regional Office), the Assistant Inspector General of Forests (AIGF), National Tiger Conservation Authority (NTCA), Regional Office at Bengaluru filed counter affidavits in the above writ petitions individually, *inter alia*, contending as follows:

(i) The National Tiger Conservation Authority is a statutory body under the Ministry of Environment, Forest and Climate Change, constituted under the enabling provisions of Wildlife (Protection) Act, 1972, as amended in 2006, for strengthening tiger conservation as per power and functions assigned to it under the said Act.

(ii) The NTCA has been successful in fulfilling its mandate within the ambit of the Wildlife (Protection) Act, 1972 for strengthening tiger conservation in the country by retaining an oversight through advisories/normative guidelines, based on appraisal of tiger status, ongoing conservation initiatives and recommendations of especially constituted committees.

(iii) The State Government is mandated with the day-to-day administration of field formations within the State as per the Wildlife (Protection) Act, 1972. THE NTCA assists the tiger range States by hand holding and providing necessary funding support, for protection, strengthening of anti-poaching activities including special strategy for monsoon patrolling, for



W.P.(MD) No.15001 of 2024, etc. batch

deployment of anti-poaching squads involving ex-army personnel and more home guards, apart from work force comprising local people, in addition to strengthening of communication and wireless facilities on a site-specific basis. Guidance to tiger range States is provided through the NTCA (Normative Standards for Tourism Activities and Project Tiger) Guidelines, 2012 under Section 38-O (1)(C) of the Wildlife (Protection) Act, 1972.

(iv) Under Section 38-V (3)(b) of the Wildlife (Protection) Act, 1972, the State Government shall prepare a Tiger Conservation Plan including staff development and deployment plan for the proper management of each area referred to in sub-section (1), so as to ensure ecologically compatible land use in the tiger reserves and areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within the other protected areas.

(v) Section 38-V (4)(i) of the Wildlife (Protection) Act, 1972, as amended in 2006, specifically provides for establishing the core/critical tiger habitats on the basis of scientific and objected criteria in consultation with an expert committee, without affecting the rights of the Scheduled Tribes or such other forest.



W.P.(MD) No.15001 of 2024, etc. batch

(vi) The respondents provide technical/scientific support for the conservation of the tigers across the country through the guidelines/SOP/advisories/technical reports from time to time or as when and where required.

(vii) The State Government is mandated with the day-to-day administration of Tiger Reserves within the State as per the Wildlife (Protection) Act, 1972. Likewise, matter of land and Property Rights, their settlement is under the purview of the State Government. The respondents having nothing to do with the reliefs sought for in the writ petition and therefore, the writ petition is liable to be dismissed.

W.P.(MD) No.15001 and 15012 of 2024:

6. On behalf of Ministry of Tribal Affairs, the under Secretary, Ministry of Tribal Affairs, Government of India, filed detailed counter affidavit individually, *inter alia* contending as follows:

(i) The petitioners claimed to be the forest dwellers working as plantation workers for four generations in the estates managed by BBTCLL in Tirunelveli District. The said lands where tea estates are situated have been declared as reserve forests.

(ii) The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) was enacted by the Parliament



W.P.(MD) No.15001 of 2024, etc. batch

in 2006 and came into force on 31.12.2007, vide S.O.2224 (E) dated 31.12.2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Rules, 2007 made thereunder also came into force on 01.01.2008.

(iii) As per FRA and Rules made thereunder, State Government/Union Territory Administrations are responsible for the implementation of the various provisions of the Act. Further, the classification and recognition of the individual and / or group as other traditional forest dweller or FDST is an exercise that is prerogative of the State Government.

(iv) Section 6 of the FRA, 2006 and rules made thereunder, lay down the authority and procedure for vesting of forest rights. Thereunder, Gram Sabha shall receive, consolidates and verify the claims through the Forest Rights Committee and after passing a resolution forward the same to Sub-Divisional Level Committee. The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of Forests Rights. Aggrieved from the resolution of Gram Sabha a person may prefer a petition to Sub-Divisional Committee. Any person aggrieved from the decision of Sub-Divisional Committee may prefer a petition to the District Level Committee. The State Government shall constitute a District Level Committee to consider and finally approve the record of forest



W.P.(MD) No.15001 of 2024, etc. batch

rights prepared by the Sub-Divisional Committee. The decision of the District Level Committee on the record of Forest Rights shall be final and binding. Further, no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee.

(v) Section 6 (7) empowers the State Government to constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such reports and returns as may be called for by the agency.

(vi) Section 4(5) of the FRA, 2006, provides that “Save as otherwise provided, no member of a forest dwelling scheduled tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete”. Appropriate Guidelines have been issued by the Ministry of Tribal Affairs in 2012 on the implementation of the FRA, 2006, in respect of Protection against Eviction, Diversion of Forest lands and Forced Relocation.

(vii) Section 11 of the FRA provides that Ministry of Central Government dealing with the Tribal Affairs or any officer or authority authorized by the Central Government shall be a Nodal Agency for the implementation of the provisions of FRA Act, 2006. Thus, the Ministry is a nodal agency and not the



W.P.(MD) No.15001 of 2024, etc. batch

implementing agency under the said Act.

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W.P.(MD) Nos.13104, 13375, 15001, 15012, 16381, 16501, 17911 and 19108 of 2024:

7. On behalf M/s.The Bombay Burmah Trading Corporation Limited (Singampatti Estate) its Deputy General Manager-Legal filed a detailed common counter affidavit for all the above writ petitions, admitting the factual position and, *inter alia*, contending as under:

(A) Undisputed facts are:

(i) The BBTCL was first inducted into the estate as a lessee by the quondam Zamindar of Singampatti under Lease Deed dated 12.02.1929.

(ii) After independence, the State Government enacted the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act (Act XXVI of 1948). Under the provisions of this Act, the Zamin of Singampatti was notified as Estate on 20.02.1952. Thus, on that date, Zamindari came to be abolished.

(iii) Under the provisions of the Act XXVI of 1948 all Ryoti lands in the estates were to vest in the cultivators thereof and non-Ryoti in the estate were to vest in the Government.

(iv) The Government initially took the position that the entirety of the



W.P.(MD) No.15001 of 2024, etc. batch

Singampatti Zamin was forest land and therefore non-Ryoti land. Accordingly, the Government issued orders to that effect under Section 63 of Act XXVI of 1948.

(v) Subsequently, based upon the above said order, the Board of Revenue issued consequential direction dated 13.08.1958 under Section 19A of Act XXVI of 1948 under which the Board of Revenue said that the Petitioner would be entitled to all rights under the Lease Deed dated 12.02.1929 and subject to all liabilities thereunder. This order is a statutory order passed under the Act and cannot be varied, except by the Board itself.

(vi) In the meanwhile, the Zamindar challenged the order passed under Section 63 of Act XXVI of 1948 declaring his entire zamin as forest. This challenge was rejected by the Assistant Settlement Officer who held that the land was indeed forest. The Zamindar also made a separate application under Sections 12 & 15 of Act XXVI of 1948, seeking patta for the entire Singampatti Zamin including the land leased out to the BBTCL.

(vii) Since the order under Section 63 was already put to challenge by the Zamindar, the BBTCL did not feel it necessary at that time to challenge the consequential order dated 13.08.1958 issued under Section 19A of Act XXVI of 1948. The BBTCL therefore, decided to await outcome of the principal proceedings to see if anything would survive with respect to the order under



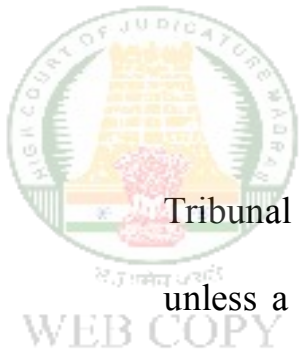
Section 19A.

(viii) The Assistant Settlement Officer held the entirety of the land to be forest land. The Zamindar took up the matter on appeal to the Director of Survey and Settlement. The Director of Survey and Settlement at Madras, by order dated 26.09.1959 held that since the proceedings for patta had been initiated by the Zamindar under Sections 12 & 15 of the Act XXVI of 1948, the said proceedings would comprehensively decide the issue. The Director of Survey and Settlement therefore concluded by stating that all findings as to the forest character of the land under Section 63 of the Act would have to await and abide by the final determination of the patta proceedings. The Zamindar carried this matter in Revision to Board of Revenue and the order was confirmed by order dated 27.06.1960.

(ix) In the meanwhile, the Zamindar's patta application was taken up both with reference to the land held by him exclusively and with reference to the land leased out to the BBTCL. The Assistant Settlement Officer held that all of the lands were forest in nature and rejected the claim for patta.

(x) The Zamindar challenged the said order by way of an Appeal to the Estates Abolition Tribunal in C.M.A. Nos.1 & 2 of 1962.

(xi) The learned Estate Abolition Tribunal held that the BBTCL was, as a matter of fact, cultivating certain portion of the Zamindari estate. The learned



W.P.(MD) No.15001 of 2024, etc. batch

Tribunal therefore said that declaration of the entire Zamin as forest was illegal unless a determination as to the portion under cultivation of the BBTCL was first carried out. Accordingly, the appeal was allowed and the matter was remitted to the Assistant Settlement Officer at Cheranmahadevi for a fresh determination in accordance with the directions.

(xii) The legal consequences of this order was that the determination of entirety of the Zamin (including the land leased out to the petitioner) as “Forest” came to be set aside. Thus, by virtue of orders passed in the earlier proceedings under Section 63, the findings rendered therein also stood nullified. Since the order under Section 63 stood nullified, the consequential order under Section 19A also automatically fell to the ground.

(xiii) It is relevant to add here that after remand, the Zamindar filed a Memo dated 16.12.1962 withdrawing his claim for patta with respect to the lands leased out to the petitioner. The proceedings thereafter continued only with respect to the remaining lands. Thereafter, there has been no determination of the character of the lands leased out to the BBTCL.

(xiv) While matters stood thus, the Government of Tamil Nadu then issued a preliminary Notification dated 15.12.1978 declaring its intention to classify the various lands, including lands leased out to the BBTCL as a “reserve forest.” The BBTCL challenged this Notification by submitting a claim



W.P.(MD) No.15001 of 2024, etc. batch

under Sections 10 & 11 of the Tamil Nadu Forests Act, 1882.

(xv) The BBTCL made two separate claims, first based on advice it then received, it claimed ryoti rights; secondly, as an alternative plea, it asserted that it was entitled to protection of all these rights under the Lease Deed dated 12.02.1929 until the termination thereof, that is to say, 28.02.2028.

(xvi) The Forest Settlement Officer (Tahsildar) passed an order rejecting the BBTCL's claim in toto.

(xvii) This came to be confirmed by the District Court at Tirunelveli vide order dated 01.09.2015 in CMA No.4 of 2010.

(xviii) Feeling aggrieved thereby, the petitioner preferred CRP (MD) No.2745 of 2015 before this Hon'ble Court.

(xix) This Hon'ble Court by its judgement dated 01.09.2017 allowed the CRP in part upholding the leasehold right of the BBTCL.

(xx) The Hon'ble Supreme Court upheld this by its judgement dated 19.01.2018 in SLP(C) No.37294/2017.

(xxi) Recognizing this, the Government issued the final Notification bearing G.O.Ms.No.3 E & F dated 12.01.2018, declaring all these lands to be "Reserve Forest" but subject to BBTCL's lease hold right upheld in CRP (MD) No.2745 of 2015.

(xxii) The BBTCL was then under the belief that its leasehold interest at



W.P.(MD) No.15001 of 2024, etc. batch

lease would not be disturbed.

(xxiii) However, immediately the Deputy Director of Forest Department without any prior intimation or lawful basis made a fabulous and fantastic demand by retrospectively levying and enhancing rent right from 1958, in total violation of the Section 19A order dated 13.08.1958 as well as Hon'ble Supreme Court order dated 19.01.2018 in S.L.P. (C) No.37294 of 2017 both of which made it clear that obligations and rights of parties under the Lease Deed were sacrosanct.

(xxiv) This demand was challenged in W.P.No.8259 of 2018 and stayed by this Hon'ble Court.

(xxv) Defiantly, Deputy Director of Forest Department again made one more demand without any notice or hearing. This has been stayed in WP No.1311 of 2019.

(xxvi) The Government then purported to cancel the entire lease by an order dated 30.01.2019 on an imaginary ground that a violation had occurred in 1958.

(xxvii) The said order has been stayed in W.P.No.4094 of 2019 by way of order dated 12.02.2019.

(xxviii) The BBTCL had to put up with all of this hostility from the government.



W.P.(MD) No.15001 of 2024, etc. batch

(xxix) Last but not least, the BBTCL had begun to examine its financial status in 2023 when the Deputy Director wrote to request a "Action Plan" to leave the Estate. Due to the lease's expiration in a few years, the incapacity to make any additional capital investments in the business, and its declining capacity to continue operating, the BBTCL made the decision to give its staff a sizable VRS and leave the property.

(xxx) When the Forest Department put in check post and began hindering the BBTCL's access to its Estate, the BBTCL challenged the action of the Forest Department by way of a writ petition in W.P.No.1770 of 1995.

(xxxi) The BBTCL's rights were upheld by this Hon'ble Court by judgment dated 27.12.2002.

(xxxii) The Government's Writ Appeal thereagainst was dismissed in 2006.

(xxxiii) In 2007, the Government of Tamil Nadu issued G.O.Ms.No.145 dated 28.12.2007 declaring the entire estate as "Critical Tiger habitat".

(xxxiv) In 2012, the Government again issued G.O.Ms.No.201 E & F dated 12.08.2012 notifying the entire estate as a "wildlife sanctuary" under the Wildlife Protection Act, 1972 and as "Tiger reserve" under Section 38 V of the Wildlife Protection Act.

(xxxv) The BBTCL has challenged this in W.P.No.16921 of 2014 and



W.P.(MD) No.15001 of 2024, etc. batch

there was an order of status quo passed, which continues till today. However, this has resulted in very severe restrictions on movement in and out of the Estate. The workers were aware of the Tiger Sanctuary notification and even sought to implead themselves in the Writ.

(xxxvi) After the final notification in G.O.Ms.No.3, E & F dated 12.01.2018, all further investment in Capex was also totally prohibited.

(xxxvii) Naturally, this had a detrimental effect on how it operated. And the business went from being profitable tea estates to losing money.

B. Financial Condition:

(i) The following Tabular column would show the financial position of the company from the year 2014 onwards:



W.P.(MD) No.15001 of 2024, etc. batch

<i>Year</i>	<i>Production (lakh kgs)</i>	<i>Revenue (Rupees in Crore)</i>	<i>PBT (Rupees in Crore)</i>
FY 2014-15	13	20.66	0.76
FY 2015-16	11	20.38	0.12
FY 2016-17	11	18.30	(3.20)
FY 2017-18	9	17.68	(2.90)
FY 2018-19	9	20.22	(3.29)
FY 2019-20	12	21.86	(4.18)
FY 2020-21	5	9.04	(9.38)
FY 2021-22	5	9.49	(6.59)
FY 2022-23	5	6.78	(11.19)
FY 2023-24	5	4.90	(13.45)
FY 2024-25	3	4.22	(17.14)

(ii) The above statistical data would show the BBTCL was running under loss for past several years and even when the BBTCL was making loss the BBTCL would have stopped its operation way behind in the year 2016 – 17 itself, but with great difficulty the BBTCL to support its employees has been running its operation for all these years. One of the reasons the BBTCL closed its operation much earlier than the lease end period is because of its financial loss the BBTCL was facing past several years. In the above circumstances, the BBTCL took the difficult decision to wind down its operations.



W.P.(MD) No.15001 of 2024, etc. batch

(iii) The BBTCL had several rounds of discussion with its employees regarding VRS scheme on various dates viz., 09.03.2024, 26.03.2024, 09.05.2024, 10.05.2024 and 11.05.2024. The employees were offered a choice to continue at Manjolai or may apply for the VRS. On the quantum, the BBTCL took a decision to offer DOUBLE of the retrenchment compensation payable under law.

(iv) Before announcing the VRS scheme to the employees, the BBTCL has done a thorough due diligence on other compensation its employees would get if not the VRS package. The difference between the retrenchment package and the VRS package is mentioned herein below:

a) Based on the BBTCL's calculation, the Retrenchment compensation as per Industrial Disputes Act is Rs.7.96 crores;

b) The VRS Scheme was developed based on the inputs and discussions held with workers and accordingly modified. Before the announcement of VRS the Sub Collector and the Assistant Commissioner of Labour (Plantations) came to the Estate and spoke to the workers regarding their willingness to take VRS and the workers clearly responded that they were discussing with the BBTCL amicably, that there was no force, threat or coercion used by the BBTCL and the discussions were smooth and it was clearly communicated that the opting of VRS was purely voluntary. After the final discussions, the final VRS package



W.P.(MD) No.15001 of 2024, etc. batch

the BBTCL paid was arrived at Rs.14.92 crores plus the BBTCL settled and paid Rs.8.28 crores which included the gratuity, plus leave encashment and the bonus. The wages up to 15th June'24 was paid separately apart from the above payments.

c) The VRS was offered to 536 who were working at all the three Estates and three Factories. The BBTCL took the approval from its Board of Directors for implementing the VRS Scheme, and informed SEBI on 29.5.2024. It followed all necessary rules and regulations as applicable for implementation of the VRS scheme. The VRS scheme was announced on 30.5.2024 by pasting in the notice board, both in Tamil and English language. The VRS scheme was open for 14 days and the workers were informed to opt for the VRS scheme by submitting an application at any time during these 14 days. The BBTCL ensured that the formula, the VRS amount, the terms and conditions of the Memorandum of settlement were explained several times to all the workers and copies of the same were available in Tamil at all the offices of the Estate and Factories. The BBTCL had explained that the VRS was purely voluntary and stated that whoever does not want to apply can contribute to remain and work in the estate (Clause F of the Memorandum of Settlement specifies this). There was no coercion, force or threat as alleged by the petitioners. The workers knew that the BBTCL cannot continue any longer. The BBTCL knew that there is no



W.P.(MD) No.15001 of 2024, etc. batch

future in Manjolai estates. All these hard and bitter facts were known to all.

d) Considering the hard and bitter reality, and recognizing that the VRS offer was very generous, the employees of the BBTCL agreed for the settlement. Out of the 536 workers to whom the VRS was offered, 535 applied for the VRS scheme on different dates from 30th of May till 14th of June by submitting the application signed by them individually. Each of the said applications were accepted by the BBTCL by signing an acceptance Letter. The final date was announced for signing the Agreement and for receiving portion of VRS along with the other settlement amounts and it was also informed during the application stage that VRS will be paid at the time of vacating the quarters which shall not be later than 7th August 2024. Being fully aware and accepting the terms and conditions, the 534 workers signed the Agreement from 15th June and accepted the DD for 25% of the VRS amount and willingly and voluntarily retired from the BBTCL. The BBTCL as promised paid all the statutory amounts due and payable to all the workers which was the Bonus, the unpaid leave, gratuity and the wages till 15th June 2024. At each and every stage the BBTCL was intimating the VRS scheme procedure followed by the BBTCL to the Joint Commissioner of Labour, Sub Collector and the Assistant Commissioner of Labour (Plantation). The Memorandum of Settlement was drawn out under section 2(p) read with Section 18(1) of the Industrial Disputes



W.P.(MD) No.15001 of 2024, etc. batch

Act, 1947 read with Rule 25 of the Tamil Nadu Industrial Dispute Rules, 1958.

(v) This was executed between the BBTCL and 534 workers on 15.6.2024, when the BBTCL paid the DD of 25% VRS amount.

(vi) The only remaining obligation under this Agreement on part of the BBTCL was to transfer the 75% of VRS amount to the workers subject to them vacating the quarters, which was fixed on 7th August 2024. This has also been done as per the orders of this Hon'ble Court referred to supra.

(vii) All of the workers understood the impossible position created by the expiry of the lease and the fact that the Government had notified the land as a tiger sanctuary. Everyone understood that there was no future for the Estates, in its from an 'estate'. The only possible claim is for compensation under the Wildlife Protection Act, 1972 and nothing else can be done.

C. Public Interest Litigations:

(i) As per VRS, the workers would have got the balance amount after vacating their quarters. However, at this stage, some ideas seem to have seeped in amongst the workers to somehow stay on. Thereafter, batch of writ petitions came to be filed before this court challenging the VRS and this court taking into consideration the facts and circumstances protected possession of the workers by way of an order of status quo besides directing the BBTCL to deposit the balance amount payable to the workmen under VRS.



W.P.(MD) No.15001 of 2024, etc. batch

(ii) The BBTCL deposited the balance sum of Rs.11,32,59,436/- being the 75% of the VRS amount as per the directions of the Court into the account of the Assistant Commissioner of (Plantation), Nagercoil on 18.7.2024 complying the orders of the Hon'ble High Court. Further around 124 employees have made necessary application before the ACL and withdrawn the balance 75% of the VRS amount.

(D) Current Problems faced by BBTCL:

(i) After the above mentioned VRS scheme for the workers was announced, the operations of the estate and the factories were stopped and all the existing staff of the BBTCL also resigned on 16.8.2024.

- ◆ Since the place is not populated as before and there is no human movement across the planted area and the factories the BBTCL faced problem of theft of small furniture, wires, and machineries. The BBTCL had to deploy security agency for the sake of protecting the remaining people as well as its movables. The Forest department was informed of these issues and were also alerted to take precautions to see to that the place does not become a hideout for criminals and other unlawful elements. The Forest Department was also informed of the increase in sighting of the wild animals and the recent men animal conflict and had asked the Forest to take necessary precautions.



W.P.(MD) No.15001 of 2024, etc. batch

◆ The staff members of the BBTCL were monitoring the entire estate works and factory work and also ensured to support and coordinate in case of disruption on water supply, electricity supply or any road blockage. The staff and workers used to attend the same with the help of Government authorities to clear the disruption and resume the connections. Even the BBTCL has communicated to the EB Department, that they need to take help of Forest authority to ensure that the Electricity supply is not disrupted during the upcoming North east monsoon due to tree falling and blocking the roads etc.

- ◆ The water pumps were being operated by the workers and during the operation of the Estate and factory. Now , the BBTCL informed the Manimuttar Panchayat to takeover water supply to all the Villages at Singampatti. They have agreed to take over the water supply by end of this month.
- ◆ Since the workers and staff have stopped work the BBTCL has stopped its operations. Some workers and staff have moved to the plains to seek alternate employment. Due to the status quo order, the workers have locked their units and have left the estate. There is a floating population of 80-90 workers in BBTCL estate.
- ◆ The BBTCL was running the Singampatti garden hospital and the



W.P.(MD) No.15001 of 2024, etc. batch

dispensaries, now after resignation of the Medical Officer and all the nurses as well as the medical staff of the BBTCL, and they started leaving the estate, the BBTCL is holding on to the first aid medical needs. The BBTCL has written Letters to the concerned authorities and the State Government to look into the medical needs of the workers going forward immediately.

(E) ON MERITS:

(i) Only in 2 writ petitions filed in W.P.(MD) No.15001 of 2024 and W.P.(MD) No.15102 of 2024, the issue of VRS has been challenged and that the BBTCL is prepared to address on that VRS issue alone. The BBTCL has no say in respect of several other reliefs sought for by the petitioner(s) in various other writ petitions.

(ii) Insofar as the W.P.(MD) No.15001 of 2024 is concerned even though the workers were made to apply for VRS under duress, there is no prayer made in the writ petition challenging the said VRS application filed by the Petitioner.

(iii) The allegation that the BBTCL made the workers to apply for VRS under coercion is totally false. Out of 536 workers, 534 accepted and 2 passed away, whose next of kin were paid the same compensation as was discussed and agreed with them. Further, 124 workers have also withdrawn 75% from Assistant Commissioner, Labour, Plantations, and none of them have made any



W.P.(MD) No.15001 of 2024, etc. batch

sort of allegations of coercion or compulsion by the BBTCL. That the balance 410 out of 534 workers who did not withdraw the balance 75%, till today never filed any withdrawal request by returning the initial 25% VRS amount. It is an afterthought by the petitioner when they were influenced by third parties and thereafter various representations were filed. Hence this respondent BBTCL submits that at no point of time there were any compulsion or coercion on the side of BBTCL to sign the VRS application.

(iv) Insofar as W.P.No.15102 of 2024 is concerned, one relief is against the BBTCL seeking a direction to cancel the VRS, and the other relief is against the State Government to consider the representation dated 30.06.2024 for the assignment of land to each of the workers/traditional forest dwellers.

After elaborate discussion with its employees, the respondent BBTCL has announced this VRS scheme. Dr.K. Krishnasamy is a third party, and he has no locus standi to question the VRS, which is a private contract signed by the respondent BBTCL and its employees. If there is no VRS scheme announced by the respondent BBTCL, the other option that would be available to the BBTCL is retrenchment, in which, as already mentioned above, the compensation is very low compared to the VRS scheme announced by the respondent BBTCL. This compensation comparison has been properly explained to its workers, and then only this respondent BBTCL has announced this present VRS scheme. The



W.P.(MD) No.15001 of 2024, etc. batch

petitioners in Writ Petitions in W.P. (MD) Nos. 15001 and 15102 of 2024 have not explained what would be the benefits that the employees would get from the other scheme.

(v) Even during the huge losses faced in the past several years, the BBTCL was supporting its employees without any disruption in the payment of salary.

(vi) In the above circumstances, the BBTCL prayed for dismissal of the writ petition(s) insofar as the VRS Scheme is concerned.

8. We have heard the learned counsel appearing for the petitioner(s) and the contesting respondents and also perused the records carefully.

(A) ARGUMENTS ON THE SIDE OF PETITIONER(S):

9.1 Mr.C.Vakeeswaran, Mr.I.Pinaygas, Mr.I.Robert Chandra Kumar and Mr.ARM. Ramesh, the learned counsel appearing on behalf of the respective petitioners in W.P.(MD) Nos.15001, 13104, 13375 and 17911 of 2024, who were either daily wagers or permanent employees in the Tea Estates run by BBTCL, and the larger tea plantation workers' community on daily wage basis would submit that

(i) the petitioners and other workers were in the estate for more than four generations and working under BBTCL. The lands were leased out to BBTCL in 1929 for tea plantations. The lease expires on 28.02.2028.



W.P.(MD) No.15001 of 2024, etc. batch

(ii) While so, the estate lands were notified as reserve forest and final notification was issued on 12.01.2018 declaring all the leased out lands to be “reserve forest”. Thereafter, on 30.05.2024, BBTCL announced VRS and forced the workers to go on VRS notifying the cut off date as 14.06.2024. Thereafter, the workers were made to take VRS under duress. The applications for VRS were not voluntary. The workers were forced to vacate their houses through Forest and Police Departments by denying the basis amenities.

(iii) The petitioners and other workers are traditional forest dwellers. They made representation for allotment of lands to each tea plantation workers for doing cultivation by themselves in order to meet their livelihood and also for grant of monetary benefits for the retrenchment in other words the voluntary retirement scheme (VRS) provided by BBTCL. Their representations were neither considered nor rejected.

9.2 Mr.I.Robert Chandrakumar, learned counsel appearing for the petitioner in W.P.(MD) No.13375 of 2024 would, in addition to the above, submit that the petitioner's grandparents moved to Manjolai in 1927 in search for betterment in their lives. The petitioner's grandparents and his parents spent their entire lives in Manjolai and were buried there. Thereafter, the petitioner joined BBTCL in 1984, as temporary employee, and he was made permanent in 1992. Thereafter, he was appointed as Supervisor in 1992. He worked till



W.P.(MD) No.15001 of 2024, etc. batch

14.06.2024. The wife of the petitioner and his siblings were also working in Manjolai Estates. The petitioner is presently living in Manjolai with his family.

A recent survey, carried out by a private concern in the 1st week of June, 2024, with the feedback collected from 358 current workers of the Estates would indicate that 90% of the workers wanted the Government to take up running of the Tea Plantations and ensure that their means of livelihood is thus sustained. He, therefore, seeks the following reliefs:

(i) a direction to the State Government to assign 5 Acres of land either in the Manjolai Estates or in the foothills to each family of Manjolai, Kakkaachi, Nalumukku, Oothu Estates and ensure their livelihood and basic needs;

(ii) a direction to the State and Central Governments to provide for a compensation of Rs.25,00,000/- to each family under compensatory afforestation fund like in Thengumarahada village case in W.M.P.(MD) No.1962 of 2022 in W.P.(MD) No.19771 of 2018 in addition to the scheme that has already been announced by the State Government for the workers;

(iii) a direction to the Labour Department to call for a tripartite meeting involving BBTCL and the workers / trade unions and to cancel the illegal VRS Notice dated 30.05.2024 and the subsequent agreement obtained from the workers under undue pressure and to enhance the ex-gratia amount @ 120 days salary per year of service and to appoint a retired Judge having expertise in



W.P.(MD) No.15001 of 2024, etc. batch

labour laws to preside over and ensure amicable solutions are reached.

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9.3 The petitioner in W.P.(MD) No.15012 of 2024 - Dr.K.Krishnasamy, who appeared in person would submit that

(i) the workers in the tea plantations in the Manjulai estates were underpaid. He led multiple protests against BBTCL to demand wage increases, and after a protracted battle, the workers received a small pay increase in 1998–1999 and then another rise in 2024.

(ii) The lease in respect of lands in question, which commenced in 1929, comes to an end only in February 2028. However, the State Government declared the aforementioned region a core habitat tiger reserve without consulting the tea plantation workers, who are forest dwellers who have lived in the estates for more than six generations. This was done without proper survey. In view of the series of litigations, the BBTCL has decided to stop its tea plantation activities well before the lease period gets expired. The workers are now facing the threat of eviction. The rights of the forest dwellers were deprived of by the act of the State Government by giving a complete go-by to the Act called “The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

(iii) No notice was served prior to the announcement of VRS neither on



W.P.(MD) No.15001 of 2024, etc. batch

the workers nor their associations. Further, the notice was only in English and not in Tamil. The BBTCL even went so far as to deny them basic facilities by cutting off their water and electricity supplies. The workers were made to take VRS under duress. Therefore, the VRS cannot be sustained in the eye of law.

(iv) He made a representation to protect the lives of the traditional forest dwellers and other traditional forest dwellers but there was no response. The State Government is bound to strictly follow the provision under Section 4(5) of the FRA, 2006 and the Guidelines issued by the Ministry of Tribal Affairs in 2012 on the implementation of the FRA, 2006, in respect of Protection against Eviction, Diversion of Forest lands and Forced Relocation.

(v) The State Government is duty bound to ensure that the right of the forest dwelling Scheduled Tribes and other Traditional Forest Dwellers residing in National Parks and Sanctuaries are recognized first before any exercise for modification of their rights or their resettlement, if necessary, is undertaken and no member of the forest dwelling Scheduled Tribe or other traditional forest dweller is evicted from such areas without the settlement of their rights and completion of all other actions required under Section 4(2) of FRA, 2006.

(vi) that after the closure of tea plantation activities by BBTCL, the workers in the Estates find it very difficult to run their family and they have started facing financial hardship besides threat of eviction. The court in exercise



W.P.(MD) No.15001 of 2024, etc. batch

of its writ jurisdiction has to protect and safeguard rights of a larger group of people who worked in the Estates in Manjolai which was run by BBTCL and cancel the applications received from the estate workers for VRS as they were obtained by coercion and direct the Assistant Commissioner of Labour, Tirunelveli, to inquire and conduct a full investigation of the cases filed by the workers under Section 2k by 410 families of Manjolai workers to get their compensation prescribed by Industrial Disputes Act 1947; and

(vii) that the State Government may be directed to assign 4 Hectares of land to each Tea Plantation Workers / Forest Dwellers, who live in Manjolai, Kakkachi, Nalumukku, Oothu and Kuthiraivetti villages as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and also to grant other monetary reliefs to each Tea Plantation Workers / Traditional Forest Dwellers.

9.4 Mr.T.Arul, the learned counsel for the petitioner in W.P.(MD) No.16381 of 2024 supporting the cause of environment would submit that the area in issue fall within the Agasthyamalai biosphere wherein Thamirabarani river sanctuary is available. That apart, wildlife sanctuary is also there. Kalakkadu-Mundanthurai Tiger Sanctuary is very adjacent to Neyyar, Shendurney and Peppara Wildlife sanctuaries. Peppara Wildlife Sanctuary Kalakkadu-Mundanthurai Tiger Reserve are within the Agasthyamalai



W.P.(MD) No.15001 of 2024, etc. batch

landscape which is also connected Periyar Sanctuary in Kerala and extended up to Trivandrum Forest Division. Therefore, this court has to exercise public trust doctrine and protect the evergreen forest. The court has to avoid anthropocentric approach it has to adopt only ecocentric approach which aligns with the laws of nature.

9.5 One Mr.Henri Tiphagne, a practising Advocate and a champion in the Human Rights Cases representing the cause of a larger group of workers on his own interest based his arguments mainly on the guiding principles adopted by United Nations. According to him, the VRS did not follow the principles of due diligence and the workers were made to take VRS under duress.

9.6 Mr.Henri Tiphagne would submit that in order to identify and prevent the adverse human rights impact, businesses entities are obligated to carry out human rights due diligence. The State has a duty to consult with indigenous people in order to obtain their free, prior and informed consent whenever taking a decision that have a direct impact on their collective rights and interests. The impact assessments developed by the communities themselves should be respected.

9.7 Mr.Henri Tiphagne would further add that free, prior, and informed consent should be without any coercion, intimidation, or manipulation, and the



W.P.(MD) No.15001 of 2024, etc. batch

communities are consulted through their self-chosen representatives. The consent is to be sought sufficiently in advance of any authorisation or commencement of activities, and respect is shown to the time requirements of the indigenous consultation/consensus process. Similarly, communities should have been provided with all the information relating to project plans and activities and the potential impacts on their rights and that the information is objective, accurate, and presented in a manner and form understandable to them. Such consent must be the objective of consultation and implies that all affected people and communities have the opportunity to decide if they agree to the proposed project or not. This process must include the option of withholding consent.

9.8 Mr.Henri Tiphagne would further add that the companies should respect the rights of the local communities and indigenous people to be consulted and to give or withhold free, prior and informed consent, in all their operations, and should protect these rights in the conduct of due diligence. The consultation must be made in good faith in order to obtain, free, prior and informed consent. Therefore, according to him, those procedures have not been followed in the cases of present workers and the agreement in pursuance of the VRS were obtained under duress and, therefore, it is a clear case of violation of human rights.



ARGUMENTS ON THE SIDE OF THE BBTCL:

10. Mr.Srinath Sridevan, learned senior counsel appearing on behalf of Mr.R.Murali, counsel on record for BBTCL would contend that

(i) The BBTCL offered VRS to its workers consequent upon the closure of tea plantation activities and workers had given their applications accepting offer made by BBTCL and the BBTCL accepted the VRS applications. There is no employer and employee relationship between Dr.K.Krishnasamy and the BBTCL. Therefore, no writ much less public interest litigation would lie against the BBTCL on the ground that the workers were made to take VRS under duress. This court cannot go into the question of correctness of the Section 18(1) Settlement in the petitions under Article 226 of the Constitution of India.

(ii) After the Estate was declared as Reserve Forest on 12.01.2018, the further scope of infusion of capital by the BBTCL has become impossible. Thereafter, there were numerous litigation between the BBTCL and the Government. The workers were well aware of the situation. The BBTCL was already running into losses. Pursuant to the notice issued by the Deputy Director of Forest dated 11.12.2023 asking for the BBTCL to submit its exit plan, having no other option, the BBTCL commenced its action plan well in advance before the lease period gets expired. The BBTCL after detailed discussion with various trade unions and BBTCL workers, BBTCL had decided



W.P.(MD) No.15001 of 2024, etc. batch

to announce the Voluntary Retirement Scheme (VRS) for the workers. The VRS compensation is higher than the retrenchment compensation payable under the Industrial Disputes Act, 1947. Under VRS pay-outs, the workers would get more benefit ranging from 1.5 to 2.5 times of retrenchment pay-outs as per the age limit and number of years of service put in by them.

ARGUMENTS ON THE SIDE OF THE STATE GOVERNMENT:

11.1 Mr.P.S.Raman, the learned Advocate General would contend insofar as claiming the right under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, tea plantation workers would not come under the FRA, 2006. He would further contend that it was also not possible for TANTEA to take over the Tea Plantations by TANTEA in view of the notification issued under Section 16 of The TamilNadu Forest Act declaring the entire Singampatti Zamin lands including the lands leased out to the BBTCL as reserve forest and the Government can at the most only ensure rehabilitation of the tea plantation workers to the extent as indicated in the status report.

11.2 According to Mr.P.S.Raman, on 22.03.1937 Singampatti Estate was notified as a forest under the then Madras Forest Act, 1882. Later, on 02.08.1962, Mundanthurai Tiger Reserve was notified. On 28.12.2007, the area has been notified as a critical tiger habitat under Section 38-V of the Wildlife



W.P.(MD) No.15001 of 2024, etc. batch

Protection Act. Thereafter, on 12.01.208, the area has been notified as a reserve forest.

11.3 Furthermore, Mr. P.S. Raman would argue that the State Government has made it clear that they are not permitted to use the estates—which are now designated as reserve forests—for any other use than those for which they have been notified. He claims that the State Government has prioritized rehabilitation initiatives.

11.4 The learned Advocate General took this court through the status report extensively on the rehabilitation measures that are undertaken by the State Government.

ARGUMENTS ON THE SIDE OF THE GOVERNMENT OF INDIA:

12.1 Mr.Pon Senthil Kumaran would submit that as per the Wildlife (Protection) Act of 1972, the State Government is tasked with overseeing the daily operations of Tiger Reserves inside the State. Similarly, the State Government has jurisdiction over the settlement of land and property rights issues. Neither the Ministry of Environment, Forest and Climate Change nor the National Tiger Conservation Authority of India have any say in this matter. The learned counsel prayed for the dismissal of the writ petitions.

12.2 Mr.Pon Senthil Kumaran would further submit that as per Section 11 of the FRA, 2006 Ministry of Central Government dealing with the Tribal



W.P.(MD) No.15001 of 2024, etc. batch

Affairs or any officer or authority authorized by the Central Government shall only be a Nodal Agency for the implementation of the provisions of FRA Act, 2006 and not the implementing agency under the said Act.

13. In the light of the above pleadings and the submissions made on both sides, the common points that emerge for consideration in these writ petitions are:

(1) Whether the workers of the BBTCL would come under the category of 'Forest Dwelling Schedule Tribes' or "Other Traditional Forest Dwellers" as defined under the FRA, 2006 to claim right under the FRA, 2006?

(2) Whether the VRS introduced by BBTCL was not legally valid?

(3) To what relief the erstwhile workers of the BBTCL entitled?

Point No.1:

14. Indisputably, the BBTCL took the lands in question at Manjolai Estates on lease for 99 years in 1929 and the lease comes to an end in February, 2028. The lands leased out to the BBTCL on which it was carrying on tea plantations situate inside the Kalakkadu-Mundanthurai Tiger Reserve. The Mundanthurai Tiger Sanctuary was first declared as a tiger sanctuary on 02.08.1962 making it the first tiger sanctuary in the country. The Tea Estates known as Manjolai Estates covering 8374 Acres are located in Mundanthurai



W.P.(MD) No.15001 of 2024, etc. batch

Tiger Reserve. Later, Kalakkadu Wildlife Sanctuary was declared in 1975 for the protection of Lion Tailed Macque. In the year 1988, the Government of India declared the Kalakkadu Mundanthurai Tiger Reserve (KMTR) by merging both Mundanthurai Tiger Reserve and Kalakkadu Wildlife Sanctuary.

15. It would be useful to reproduce hereunder the importance of the area as captured by His Lordship The Hon'ble Mr.Justice M.M.Sundresh (as His Lordship then was) in the case of **Bombay Burmah Trading Corporation Limited and others v. State of Tamil Nadu and others** [2018 (1) CTC 733] reads as under:-

“3.Kalakad Mundanthurai Tiger Reserve (KMTR) is a global hotspot of Biodiversity, declared as Tiger Reserve during 1988. Mundanthurai Tiger Sanctuary was declared in 1962, as against Kalakad Wildlife Sanctuary in 1976. It was a huge forest cover with a perennial river to the knowledge of the man kind and continues to be so after a steady supply of battering at its hands.

4.Biosphere Reserve (BR) is a representative part of natural and cultural landscapes extending over large area of terrestrial or coastal/ marine ecosystem or a combination thereof. Kalakad Mundanthurai Tiger Reserve forms the core zone of Agasthiyarmalai Biosphere Reserve. In the 4th World Congress of Biosphere Reserves, Agasthyamala Biosphere Reserve has been declared as World Biosphere Reserve taking



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W.P.(MD) No.15001 of 2024, etc. batch

note of its cultural and ecological diversity. Agasthyamala Biosphere Reserve is included in the World Network of Biosphere Reserve under the Man and Biosphere (MAB) Program of UNESCO in the 28th Session of International Coordinating Council held in Lima, Peru from 18th to 19th March, 2016.

5. Agasthyamala Biosphere Reserve houses 14 rivers, which ultimately converge into river Tamirabarani and thus catering to the needs of 4 Districts of Tamil Nadu both for drinking and irrigation purposes. This water resource contains rich fish assemblage inclusive of endemic and other species.

6. Steven Green came here with his research assistant Karen Minkowski to study the behaviour of the endangered lion-tailed macaque. His noted observation is as follows:

"Bang in the heart of what is now a Tiger reserve is an important, even indelible part of this landscape - the estate of the Bombay Burmah Trading Corporation (BBTC), a smaller mosaic of tea, coffee and cardamom plantations, human settlements, and natural forests."

Based upon his report and study, Kalakad Wild Life Sanctuary was sanctioned.

7. It is declared as a Critical Tiger Habitat under Section 38(V) of the Wildlife Protection Act, 1972 through Government Order in G.O.Ms.No.145 dated 28.12.2007. Tiger is otherwise called "umbrella of



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W.P.(MD) No.15001 of 2024, etc. batch

species". Tiger protection would mean protection of Forest along with flora and fauna and the rivers flowing through it.

8. Being a Biodiversity Hotspot, Kalakkad Mundanthurai Tiger Reserve harbours around 448 endemic flora apart from mega fauna like Gaur, Elephant, Tiger, Leopard, Sambar Deer, which do not know the artificial barriers created between forest and estate and thus paving the way for man-animal conflicts.

9. Taking note of the utmost importance to protect the aforesaid area, way back in the year 1857, an English gentle man by name Puckle expressed his anxiety and concern. The following paragraphs would be apposite:

"The prosperity of the river-irrigated section of Tirunelveli extending through five taluks, from the Western Ghats to the sea, is dependent on a continuous flow of water in the rivers that rise on the Western Ghats. Now this continuous flow has notably decreased of late years, and the decrease commenced with the destruction of much of the forest that formerly clothed the ghats and protected the heads of the streams; the rich shola land in the ravines down which the streams descend, attracted coffee planters, who destroyed the magnificent timber and thus let in the wind, which has extended the mischief done by the axe. Thousands of trees, lie prostrate, and the coffee gardens, as might be expected, are mostly wind-blown and useless. Where the ground was once moist



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W.P.(MD) No.15001 of 2024, etc. batch

continuously, it is now parched and dry, and the courses of the numerous little rivulets that once fed the larger streams are now rocky nullahs without a drop of water in them.

The mischief, however, is done so far and cannot now be repaired, but what we can do is, to conserve the remaining forest most carefully, and see if we cannot increase the volume of water in the streams. Almost all the streams descend the ghats in the Tenkasi and Ambasamudram taluks between Kuttalam and Kallidaikurichi. The area to conserve is thus very limited, and in the Tenkasi taluk I have visited every village and have made most careful arrangements. The people themselves are unanimous in their wish for conservancy, as even at the foot of the hills they now begin to suffer, and lower down the streams there is always an outcry for water.

.....

"The Problem of the so-called private forests still remained unsolved. The claims most prejudicial to the new policy of Government were those of the Singampatti and Chokkampatti Zamindars. The Singampatti forests commanded the upper waters of the Tambraparni and the sources of a number of affluents of that important river. In the ayakat accounts, on which at first he had relied, the zamindar was allowed 59 square miles of jungle; his claims, when tested by occupation and possession,



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W.P.(MD) No.15001 of 2024, etc. batch

extended to four times that area. There were several alternatives: to take the forests on lease; to resort to the civil courts ; to acquire the property under the Act; or to override the zamindar's very doubtful claim and to assume the property. Unfortunately, the zamindar was at the time a minor under the Court of Wards, and the position of Government was an embarrassing one. After much correspondence it was decided that, during the ward's minority, the forest should be worked according to the conservancy rules, its ultimate treatment being left for future decision. In 1879 the zamindar's claim came up for decision under the Survey and Boundaries Act, the zamindar, who was then a minor, being represented by the Collector as the agent of the Court of Wards. A great part of the forest claimed was decreed to the zamindar. In 1881 he attained his majority and, dissatisfied with this partial success, appealed against the decision to the District Court. By that court the appellant was declared to have no right of ownership over any part of the forest which he had originally claimed; some exclusive rights of easement in regard to pasture, the collection of produce and the felling of timber were admitted not only over the tract which the survey officer had allowed the zamindar but also over a tract which that officer had refused him. On a further appeal in 1885 to the High Court, the zamindar was entirely successful in establishing all the claims he had originally set up, a decision which was



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W.P.(MD) No.15001 of 2024, etc. batch

ultimately confirmed, on appeal, by the Privy Council."

.....

"Separated from this block by the forests of the Singampatti zamindari is the great mass of hills which overlooks the Ambasamudram and Tenkasi taluks. For many miles of its course the Tambraparani marks the boundary between the Government and the zamindari forests; and it is in the great square southern block of the Ambasamudram ghats that this river and all its upper affluents take their rise (see page 8). This is the most extensive forest tract of the district, the watershed lying at a distance of some 12 miles behind the base of the hills. Behind the steep rocky faces of the lower hills extend the undulating plateaus in which are comprised most of the workable areas of the forests; above them, less sharply than elsewhere, towers the great irregular range whose summit marks the boundary of Travancore. The chief peaks of this fine mass have been referred to in Chapter I. Unlike most of the other ghat forests of the district, the higher slopes of this range enjoy the full force of the south-west monsoon, frequent showers during January and February, and occasional bursts of rain during April and May. Consequently they are exceedingly damp during the greater part of the year and seldom dry at any season. Northwards from Sivasailam within the Ambasamudram taluk and extending on past Kuttalam, the forests decrease in width, dwindling ultimately to



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W.P.(MD) No.15001 of 2024, etc. batch

little more than the side of a hill, which thrusts a narrow wedge down to the plains just near Shencotta. These hills contains the sources of the Jambunadhi, the Gatananadhi, the Ramanadhi and the Chittar, all of which join the Tambraparni in the level country. Here, as elsewhere, their inaccessibility has largely saved the evergreen forests from destruction, and the protection which these afford to the head-waters of innumerable streams constitutes their chief value. The best growth of the range is to be found in the hills above Kuttalam which are visited by heavy storms of rain during the south west monsoon."

10.This was noted in the Madras District Gazetteers, Tinnevely dated 12.03.1916. Suffice it to state that the anguish of Mr. Puckle would show the importance of the place, the need to protect and the ground reality. His apprehension has become true since river Tamirabarani has suffered a lot with all her artilleries under blockage, cutting the supply of oxygen to her life.

11.A huge extent of land came into the hands of Singampattai Zamin. All these extent of 8373 acres 57 cents was leased out in favour of the petitioner by Ex.Zamindhar of Singampatti, to cultivate tea, coffee, cardamom etc. Thereafter, a notification was issued under Section 26 r/w 32 of the Tamil Nadu Forest Act, 1882. This was done on behalf of the owner of the land



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W.P.(MD) No.15001 of 2024, etc. batch

to protect it by treating it at the disposal of the Government though not included in the Reserve Forest. Thus, the entire land owned by Ex.Zamindhar of Singampatti was brought under the provision of Section 26 of the Act. It is to be noted, at the relevant point of time, a request was made on behalf of the Ex.Zamindhar of Singampatti by the Manager of the Estate, which came under the Management of the Court of Wards. Accordingly, a request was made by the guardian appropriately. The following passage would be relevant:

"No. 208:--

In exercise of the powers conferred by sections 26 and 32 of the Madras Forest Act, 1882 (Madras Act V of 1882), the Governor in Council in hereby pleased to make the following rules to regulate the management of the forest and waste lands in the Singampatti estate in the Tirunelveli district, now under the management of the Court of Wards. These rules are subject to all rights now legally vested in individuals and communities.

Rules to regulate the management of the forest and waste lands in the Singampatti Estate, Tirunelveli district.

1. Land at the disposal of the estate will for the purpose of these rules to be classed as (a) reserved land and (b) unreserved land. "

12.The entire land thus became the forest land under the Tamil Nadu Forest Act, 1882. On 26.06.1954, the Commissioner of Land Administration sent a note to



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W.P.(MD) No.15001 of 2024, etc. batch

the Government by which it was suggested that the petitioner Company may be given permission to continue, subject to the condition that the existing forest should be preserved. Thus, there would be no further clearance. It was further suggested that if the aforesaid suggestion is not agreeable, then the Government may take steps to terminate the lease. The following is the suggestion made:

"2.The Board agrees with the collector that it is preferable to negotiate a settlement with the Company instead of compulsory action under the Abolition Act in the first instance. The Board agrees with the suggestion of the collector that a notice may be given to the company stating that the Government consider that the existing forest should be preserved and that no further clearance should be allowed. The Company may be also told that if it insists on its right under the lease deed to clear the remaining forest area for plantation purpose, the Government will be obliged to terminate the lease but on the other hand Government will be prepared to consider the question of entering into a fresh lease under which the firm may retain the area already under plantation for the remaining years of the lease.

3.The Board request the early orders from the Government in the matter."

13.The Collector of Tirunelveli, accordingly sent a communication to the petitioner on 21.02.1955. In the meanwhile, the entire Estate of Singampattai in



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W.P.(MD) No.15001 of 2024, etc. batch

Singampatti in Ambasamudram Taluk in Tirunelveli District along with forest was taken over by the Government by Act XXVI of 1948 on 19.02.1952. The under mentioned paragraph would delineate the stand taken by the Government:

"4.The Government consider that the forest area not yet cleared for plantation purposes, should be preserved as such and that it is in the public interest not to allow any further clearance of this forest area. If you still insist on your right under the lease deed to clear the remaining forest area for plantation purposes, the Government will be obliged to terminate the lease as provided in Section 20 of the Madras Estates Abolition and Conversion into Ryowari Act XXVI of 1948. If on the other hand you agree to the preservation of the existing forest area, the Government are prepared to consider the question of entering into a fresh lease with you under which you may retain the area already under plantation for the remaining years of the lease.

5.Please, therefore state within a fortnight from the date of receipt of this notice, whether you agree to the proposals set out above."

14. Thereafter, the Revenue Department passed G.O.Ms.No.2912 dated 08.08.1958. It is reproduced hereunder:

"The Government approve the proposal of the Board of Revenue to issue directions under Section 19-A



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W.P.(MD) No.15001 of 2024, etc. batch

of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, with a view to allow the Bombay-Burmah Trading Corporation Limited, Bombay, to remain in possession of the entire area of 8,373-57 acres of forest land in Singampatti estate in the Tirunelveli District which had been leased out to the corporation by the ex-landholder of that estate, for the rest of the lease period, subject to all the conditions of lease, including those relating to payment of rent and subject also to the terms and conditions embodied in the draft proceedings submitted by the Board with its Reference read above."

15. Accordingly, an order was passed by the Commissioner of Land Revenue Civil Suppliers & Settlements dated 13.08.1958, under Section 19-A of Madras Act XXVI of 1948. It is needless to state that under the Board of Revenue Abolition Act, 1980 with specific reference to Section 10, the power of the Board of Revenue has been taken by the Commissioner of Land Revenue. For better appreciation the operative portion of the aforesaid order is shown below:

"2. In Exercise of the powers conferred by Section 19-A of Madras Act XXVI of 1948, the Board of Revenue, Madras, accordingly hereby directs that Lessors Bombay Burma Trading Corporation Ltd., Bombay may remain in possession of the entire lease area for the rest of the lease period subject to all the conditions of the lease, including those relating to



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W.P.(MD) No.15001 of 2024, etc. batch

payment of rent and subject to the following additional terms and conditions which are considered necessary in the public interests.

(i) The company shall not clear any portion of the catchment area of Kusavanguli assuring 970 acres at t.p. South-east corner of the lease area within the boundaries indicated by thick red line in the sketch attached, as the clear felling of this area will be detrimental to forest conservancy and will also lead to soil erosion in the catchment area of the Manimuthar River.

(ii) The said company shall, in the rest of the area leased out to it, arrange to clothe rapidly with vegetation any extent by it and adopt and maintain effective measures for the prevention of soil erosion and

(iii) not withstanding anything to the contrary contained in the lease deed dated 12.02.1929, as subsequently amended, if the company violates any of the terms and conditions of the lease and does into conform to the conditions (i) and (ii) specified above, the lease is liable to be cancelled by the State Government and the State Government may re-enter and take possession of the entire lease area and the company will not be entitled to any compensation whatsoever therefor."

16. It is also the admitted fact that the lease which was originally granted



W.P.(MD) No.15001 of 2024, etc. batch

community claiming right under the FRA, 2006.

18. It is to be further noted that all the workmen have migrated to the Estates in Manjolai either from other parts of the State or outside the State. They are governed either under The Plantations Labour Act, 1951 or The Minimum Wages Act, 1948. To attract the provisions of FRA, 2006, one must either be a “Forest Dwelling Schedule Tribe” or “Other Traditional Forest Dweller”.

19. Sub-section (c) of Section 2 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 reads as under:

“(c) **“forest dwelling Scheduled Tribes”**
means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities;”

20. The above provision would thus make it clear that to come within the purview of the forest dwelling scheduled tribe, one must be a scheduled tribe who primarily resides inside the forest and totally depends on the forest or forest land for a bona fide livelihood.

21. Similarly, the term **“other traditional forest dwellers”** is defined



W.P.(MD) No.15001 of 2024, etc. batch

under sub-section (o) of Section 2 of the Act, 2006 which reads as under:

“(o) “other traditional forest dweller” means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for bona fide livelihood needs.

Explanation.— For the purpose of this clause, “generation” means a period comprising of twenty-five years;”

Therefore, any member who has lived primarily depending on the forest or forest land for bonafide livelihood needs, for at least three generations prior to December 13, 2005, alone would qualify as other traditional forest dweller.

22. In the cases on hand, admittedly, none of the workmen primarily depend on the forest or forest land for their bonafide livelihood needs. They were actually employed by the BBTCL to work in the Tea Plantations run by it and there existed employees and employer relationship between those workers and the BBTCL.

23. Rule 2 of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest rights) Rules, 2007 reads as under:

“2. **Definitions.**— (1) In these rules, unless the context otherwise requires -

(a)



W.P.(MD) No.15001 of 2024, etc. batch

(b) “**bonafide livelihood needs**” means fulfilment of livelihood needs of self and family through exercise of any of the rights specified in sub-section (1) of section 3 of the Act and includes sale of surplus produce arising out of exercise of such rights;”

24. Sub-section (1) of Section 3 of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 deals with the right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers, which reads as under:

“3. Forest rights of forest dwelling, Schedule Tribes and other traditional forest dwellers.- (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:-

(a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers; (b) community rights such as nistar, by whatever name called, including those used in



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W.P.(MD) No.15001 of 2024, etc. batch

erstwhile Princely States, Zamindari or such intermediary regimes;

(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

(d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

(e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;

(f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;

(g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;

(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

(i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(j) rights which are recognised under any State law



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W.P.(MD) No.15001 of 2024, etc. batch

or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.”

25. A Division Bench of this Court in W.P.(MD) No.6994, 6998, 10566 of 2021 & 22146 of 2017, to which I was a party, dealt with the term “cultivation” found in Section 3(1) of the FRA, 2006 and held that cultivation for bonafide purposes would only mean, ploughing, irrigation, and planting for the purpose of livelihood, but not for commercial exploitation of the land



W.P.(MD) No.15001 of 2024, etc. batch

offending The Forest Conservation Act, 1980. And further held that when the cultivation itself is not for bonafide livelihood needs and exploitation being done by using the forest lands, such activities never be construed to mean that the petitioners are totally depend upon the fulfilment of livelihood needs.

26. Here it is not the case of the petitioners and workers community that they are depending on the community rights or depending on the minor forest produce that has been traditionally collected within or outside the village boundaries. Admittedly, the workers in the instant cases were employed by BBTCL, and their wages are governed either under the Plantations Labour Act or the Minimum Wages Act. There existed servant and master relationship between the workers and the BBTCL and the workers were never dependent on any forest produce for their bona fide livelihood. Therefore, considering the judgment of the Division Bench of this court in this regard and considering the definitions referred to above, we are of the view that workmen in the tea plantations cannot lay any claim as forest dwellers to claim any right under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Point No.2:

27. The BBTCL had taken a total extent of 8,374 Acres of land on lease way back in 1929. The lease comes to an end in February, 2028. The entire area



W.P.(MD) No.15001 of 2024, etc. batch

that was leased out to the BBTCL has been declared a Critical Tiger Habitat besides Tiger Reserve. As already discussed above, the BBTCL has decided to close its tea plantation business well prior to the expiry of the lease period and introduced VRS. Out of 536 workers, 535 had signed agreements and have received 25% of the VRS amount, and 124 workers have already received the balance of 75% of the VRS amount as agreed between themselves and the BBTCL.

28. Though it is now contended before this court that such agreements were obtained from the workers by undue influence and under duress, we are afraid of such contention for the simple reason that, admittedly, even if the BBTCL is permitted to continue its operation, it could continue its operation only till February, 2028 and not beyond that. The issue of lease hold right of the BBTCL had already been decided and settled by the courts.

29. As far as the contentions of Mr.Henri Tiphagne that guidelines adopted by the United Nations, we are of the view that such guidelines cannot be applied mechanically. Mr Henri Tiphagne would make his submissions on the basis of the *“Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework.”* The essence of the submissions made is that business entities commence and stop their activities purely on profit considerations and their

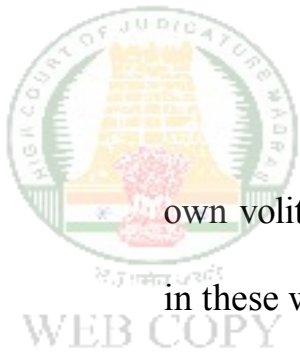


W.P.(MD) No.15001 of 2024, etc. batch

business interests. However, the business entities and the state regulating such activities have a responsibility to protect human rights and remedy the situation.

An impact study has to be undertaken on the effect of any closure of the business concerning the human beings associated with it. The people affected must be heard as to what effect it has on them, and how their life is impacted has to be considered. Akin to the public hearing that happens during environmental impact assessment, the people and their lives should be taken into account in this kind of exercise. The Human Rights Commission has made a detailed inquiry by collecting statements from every person, and the facts with them will throw light on the situation. There can be no quarrel over the desirability of such an exercise in an appropriate case. Firstly, this is a case of the pristine biosphere, the preservation of which is essential for the very existence of mankind on Earth, is in question. The business is in the reserve forest, the core area of a tiger reserve and as such, has to come to an end *dehors* commercial or other considerations. Secondly, the issue of VRS relates to workers and master relationship and there were agreements reached between them and whether that agreements were reached as per law or in violation of any provision of the Industrial Disputes Act cannot be gone into by the writ courts.

30. In our view, whether the workers signed agreements for VRS on their



W.P.(MD) No.15001 of 2024, etc. batch

own volition or they were made to take VRS under duress cannot be gone into in these writ petitions.

31. If at all the workers have any grievance over the agreements entered into by them with the BBTCL, they can very well redress their grievances before the appropriate forum as the Assistant Commissioner of Labour (Plantations) has already seized of the matter and the amounts payable under the VRS have already been deposited by the BBTCL. It is for the workers concerned to agitate their grievance individually in the manner provided under law and no individual could espouse the cause of the other given workmen by way of public interest litigation.

Point No.3:-

32. In the Text Book released by the Wildlife Trust of India titled **“Right of Passage: Elephant Corridors of India** (2nd Edition), the importance of Agasthyamalai landscape has been recorded as under:

“The elephant population south of this is in the Periyar-Agasthyamalai landscape located in the states of Tamil Nadu and Kerala, and extends over 5600 sq km across 16 forest divisions. The elephant habitat in the landscape comprises the southern part of the Periyar Plateau and its eastern spur, the Varushnad and



Meghamalai hill ranges, the Achankoil valley, and the Agasthyamalai and Mahendragiri hill ranges on the southern side. Like any other landscape in the Western Ghats, the eastern parts of the landscape with low rainfall have more tropical dry deciduous and thorn forests, while the hill ridges and the western sides with high rainfall have more tropical evergreen and moist deciduous forests. The landscape on the northern side (Periyar Tiger Reserve, Srivilliputhur Grizzled Squirrel Wildlife Sanctuary, Meghamalai and Thirunelveli Wildlife Sanctuaries) is probably the most intact elephant range in southern India. However, the establishment of human settlements and cultivation, and vehicular movement along the SenkotaiPunalur highway, have cut off the habitat contiguity to a large extent between the Agasthyamalai-Mahendragiri hill ranges and Periyar Plateau. Therefore, a small number of elephants ranging in the Agasthyamalai-Mahendragiri hill ranges have been isolated from the larger population found on the northern side (Baskaran, 2013). There is only one corridor found



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W.P.(MD) No.15001 of 2024, etc. batch

in this landscape: Srivilliputhur-Saptur at Srivilliputhur
Grizzled Squirrel Wildlife Sanctuary.

The Periyar-Agasthyamalai landscape is estimated to have 1800 elephants (Elephant Census 2010). Of these about 300 are isolated on the southern side in the Agasthyamalai and Mahendragiri hill ranges in the evergreen forests of Thiruvananthapuram Forest Division, Neyyar, Shendurney and Peppara Wildlife Sanctuaries, and Kalakkad-Mundanthurai Tiger Reserve.”

33. In the case of **Municipal Corporation of Greater Mumbai v. Ankita Sinha** [(2022) 13 SCC 401], the Hon'ble Supreme Court has held as under:-

“XI. Environmental Justice and Environmental Equity

75. The conceptual frameworks of environmental justice and equity should merit consideration vis-à-vis NGT's domain and how its functioning and decisions can have wide implications in socio-economic dimensions of people at large. The concept of environmental justice is a trifecta of distributive justice, procedural justice and justice as recognition [Schlosberg D., Defining Environmental Justice: Theories, Movements, and Nature (Oxford University Press, 2009).] . Environmental equity as a developing concept



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W.P.(MD) No.15001 of 2024, etc. batch

has focused on the disproportionate implications of environmental harms on the economically or socially marginalised groups. The concerns of human rights and environmental degradation overlap under this umbrella term, to highlight the human element, apart from economic and environmental ramifications. Environmental equity thus stands to ensure a balanced distribution of environmental risks as well as protections, including application of sustainable development principles.

34. In **T.N.Godavarman Thirumulpad v. Union of India** [(2012) 3 SCC

277], the Hon'ble Supreme Court has held as follows:

“17. Environmental justice could be achieved only if we drift away from the principle of anthropocentric to ecocentric. Many of our principles like sustainable development, polluter-pays principle, intergenerational equity have their roots in anthropocentric principles. Anthropocentrism is always human interest focussed and that non-human has only instrumental value to humans. In other words, humans take precedence and human responsibilities to non-human based benefits to humans. Ecocentrism is nature-centred where humans are part of nature and non-humans have intrinsic value. In other words, human interest does not take automatic precedence and humans have obligations to non-humans independently of human interest. Ecocentrism is



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W.P.(MD) No.15001 of 2024, etc. batch

therefore life-centred, nature-centred where nature includes both humans and non-humans. The National Wildlife Action Plan 2002-2012 and the Centrally Sponsored Integrated Development of Wildlife Habitats Scheme, 2009 are centred on the principle of ecocentrism.”

35. In *Amarnath Shrine, In re* [(2013) 3 SCC 247], the Hon'ble Supreme Court held that forest constitute a national asset and held as follows:-

“19. Where it is the bounden duty of the State to protect the above rights of the citizen in discharge of its constitutional obligation in the larger public interest, there the law also casts a duty upon the State to ensure due protection to the forests and environment of the country. Forests in India are an important part of the environment. They constitute a national asset. We may, at this stage, refer to the concept of inter-generational equity, which has been treated to be an integral part of Article 21 of the Constitution of India. The courts have applied this doctrine of sustainable development and precautionary principle to the cases where development is necessary, but certainly not at the cost of environment. The courts are expected to drive a balance between the



W.P.(MD) No.15001 of 2024, etc. batch

two. In other words, the onerous duty lies upon the State to ensure protection of environment and forests on the one hand as well as to undertake necessary development with due regard to the fundamental rights and values.”

36.1 In the case of **The State of Telangana and others v. Mohd. Abdul Qasim (Died) per Legal Representatives** [2024 (6) SCC 461], the Hon'ble Supreme Court, taking into account the need for a change from an anthropocentric approach to an ecocentric approach towards natural resources, has, in para 31 of the judgement, held as under:

**“CHANGE: FROM ANTHROPOCENTRIC TO
ECOCENTRIC**

31. There is a crying need for a change in our approach. Man being an enlightened species, is expected to act as a trustee of the Earth. It is his duty to ensure the preservation of the ecosystem and to continuously endeavour towards the protection of air, water and land. It is not his right to destroy the habitat of other species but his duty to protect them from further peril. A right to enjoy cannot be restricted to any specific group, and so also to human beings. The time has come for mankind to live sustainably and respect the rights of rivers, lakes,



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W.P.(MD) No.15001 of 2024, etc. batch

beaches, estuaries, ridges, trees, mountains, seas and air.

It is imperative to do so as there is always a constant threat to forests due to the ever-increasing population. Man is bound by nature's law. Therefore, the need of the hour is to transform from an anthropocentric approach to ecocentric approach which will encompass a wider perspective in the interest of the environment. Dr. Susana Borrás in her paper titled "New Transitions from Human Rights to the Environment to the Rights of Nature" published in Transnational Environmental Law, Volume 5, Issue 1, April 2016 has reflected on the rights of nature (p. 114),

"A new approach is emerging, however: the recognition of the rights of nature, which implies a holistic approach to all life and all ecosystems. In recent years, a series of normative precedents have surfaced, which recognize that nature has certain rights as a legal subject and holder of rights. These precedents potentially contribute not merely a greater sensitivity to the environment, but a thorough reorientation about how to protect the Earth as the centre of life.

From this perspective, known as 'biocentrism', nature is not an object of protection but a subject with fundamental rights, such as the rights to exist, to survive, and to persist and regenerate vital cycles. The implication of this recognition is that human beings have the legal authority and responsibility to enforce these



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W.P.(MD) No.15001 of 2024, etc. batch

rights on behalf of nature in that rights of nature become an essential element for the sustainability and the survivability of human societies. This concept is based on the recognition that humans, as but one part of life on earth, must live within their ecological limits rather than see themselves as the purpose of environmental protection, as the ‘anthropocentric’ approach proposes. Humans are trustees of the Earth rather than being mere stewards. The idea is based on the proposition that ecosystems of air, water, land, and atmosphere are a public trust and should be preserved and protected as habitat for all natural beings and natural communities.”

[emphasis supplied]

36.2. In the abovesaid judgement, the Hon'ble Supreme Court after going through the “***Report on Currency and Finance; Towards a Greener Cleaner India***”, published by Reserve Bank of India and after taking into account “Macroeconomic Impact of Climate Change in India [which has been extracted in Para 59 of the judgement], the Hon'ble Supreme Court ultimately in paragraphs 62 and 63 has held as follows:-

“4. Macroeconomic Impact of Climate Change in India

II. 32 India, along with countries such as Brazil and Mexico, face high risk of reduction in economic



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W.P.(MD) No.15001 of 2024, etc. batch

growth, if global warming raises temperature by 2 degree Celsius as against 1.5 degree Celsius (IPCC, 2018). *Climate change manifested through rising temperature and changing patterns of monsoon rainfall in India could cost the economy 2.8 per cent of its GDP and depress the living standards of nearly half of its population by 2050 (Mani et al., 2018). India could lose anywhere around 3 per cent to 10 per cent of its GDP annually by 2100 due to climate change (Kompas et al., 2018; Picciariello et al., 2021) in the absence of adequate mitigation policies. Furthermore, Indian agriculture (along with construction activity) as well as industry are particularly vulnerable to labour productivity losses caused by heat related stress (Somnathan et al., 2021). India could account for 34 million of the projected 80 million global job losses from heat stress associated productivity decline by 2030 (World Bank, 2022). Further, up to 4.5 per cent of India's GDP could be at risk by 2030 owing to lost labour hours from extreme heat and humidity conditions. Moreover, heatwaves could also last 25 times longer i.e. rise in severity, by 2036-2065 if current rate of carbon emissions is not contained (CMCC, 2021). These estimates, thus, underscore the importance of timely adoption and faster*



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W.P.(MD) No.15001 of 2024, etc. batch

environment, even in a case where the need for human development is indispensable. While having a pragmatic and practical approach, courts will have to weigh in the relevant factors and thus, perform a balancing act.

37. Considering the above dictums, we are of the definite opinion that forest is a terrestrial ecosystem, where a community of plants and animals interacting with one another and with the physical environment. They are natural renewable resources. Depending on the potential of climate and land area, all countries differ in their forest resources. In recent times, there has been a considerable reduction in the forest cover throughout the world. Today, forests cover only nearly 30 to 40 percent of the world's land. India is the seventh largest country in the world occupying 2.5 percent of the world area. However, only 1.8 percent of forest covers lies in India. Despite recent efforts to increase forest cover through reforestation, India's forests are in a devastated condition, with less than 18 percent of India under forest cover in the country. Dense forests cover only 12 percent of land. The policy requirement is that the forest cover should be 33 percent of the area of the country, and all of this should be closed forest. The relevance of the forest in the human lives cannot be undermined with forests playing a lead role in not just for timber and but also in myriad of other services such as carbon sequestration, preserving biodiversity,



W.P.(MD) No.15001 of 2024, etc. batch

watershed services, soil conservation, recreational and cultural values, social and economic benefits for communities, stabilizes flows and runoffs which in turn prevents land degradation and desertification diminishing the risks of the natural disasters such as droughts, floods and landslides. Forests are important since they help in maintaining and upgrading the environment quality which is beyond quantification. But with more and more fragmentation in the forests, there is deterioration in the quality of the services provided by the forests.

38. Forests are critical for the quality of global environment. They are of great importance to the sustainability and prosperity of human beings since they yield multiple benefits to society. Forests are major stores of carbon and other greenhouse gases such as methane. They play a crucial role in conserving the world's biodiversity. Forests are a precious resource of economic development and environmental stability. However, forests today are under immense threat of deforestation. They are reducing at an alarming rate. This process of deforestation is a serious threat to the economy, quality of life and the future of environment in our country. Illegal forest activities are one of the major contributors of deforestation. Such activities are varied and include, *inter alia*, the unauthorized occupation of public and private lands, illegal logging in protected or environmentally sensitive areas, logging of protected species, poaching, woodland arson, illegal transport of wood and other forest products,



W.P.(MD) No.15001 of 2024, etc. batch

smuggling, transfer pricing and other fraudulent accounting practices, illegal forest industrial processing such as discharging pollutants, etc. Now, balancing the effective, sustainable management of forest resources with economic, social and environmental factors has emerged as one of the key challenges in natural resource management. The environment and fora in which decisions concerning natural resource management are made are evolving as a result of global trends such as the globalization of the economy; growing awareness of and response to environmental concerns; decentralization and devolution of government control; the need for secured property rights; and increasing pressure for democratization. Now, there is a dire need to preserve the natural ecosystem in the country.

39. The area in issue is pristine forest area. It has rich biodiversity and it must be preserved at least for the future generations. It accommodates river sanctuary. There flow 14 rivers in the Agasthyamalai landscape. The area must be protected as it is. Therefore, keeping in mind the climate change and its effect, every human being in the world has to ensure the preservation of eco system and to continuously endeavour towards protection of air, water and land.

40. The workers, who have been living on the estates for generations and raising their children, would find it difficult to leave the place of their abode.



W.P.(MD) No.15001 of 2024, etc. batch

The workers and their families will surely have sentimental ties to the place, so it would surely be quite upsetting for them if they were suddenly evicted or disposed of. When it comes to environmental issues, the anthropocentric approach must be replaced because the ecocentric approach would only be in line with the laws of nature. As a result, the ecocentric approach is certain to succeed over the anthropocentric one. We empathise with the workmen and their family members. Dislocation is harsh. Especially when they have continued to reside in the quarters for a long time and in some families they have been workers for two or three generations, it would be extremely hard. It is also contended by Mr Sankaran, the learned Counsel that these are people who have lived in harmony with nature and that they must be given a chance by framing some scheme till 2028 based on which a decision should be taken. In any ordinary tract of land, the said submission could have been considered. But these workmen and their family members should also realise that within our state, there are vast tracts of land in the plains that can be exploited to the benefit of the human race in all possible ways. From cultivation to hazardous industries to commercial hubs, these lands can be used solely for the short-term benefits of livelihood, occupation and exploitation by mankind. But as far as the Agasthiyar Biosphere is concerned, this is one of the little tracks of landscape on earth where biodiversity thrives. It is the home for such fauna and flora,



W.P.(MD) No.15001 of 2024, etc. batch

which cannot exist anywhere else. As a matter of fact, an eco-centric approach is in a way again human-centric as without biodiversity and without the other fauna and flora, human beings alone cannot exist on the earth. Thus, the only way to understand the difficulties expressed on behalf of these workmen is to focus on their long-term future, which can only be by way of rehabilitation of these families and how best their pain of relocation can be mitigated and minimised. It is well settled that when there is a conflict between law and equity, it is the law which has to prevail, in accordance with the Latin maxim 'dura lex sed lex', which means 'the law is hard, but it is the law'. Equity can only supplement the law, but it cannot supplant or override it [**vide Raghunath Rai Bareja v. Punjab National Bank, (2007) 2 SCC 230**].

41. Considering importance of the reserve forest and the facts and circumstances of the case, particularly, the BBTCL had decided to close its tea plantation business which was being carried on from 1929 in the Estates prominently known as Manjolai Estates and the State Government had also taken a conscious decision declaring the area as reserve forest and had decided not to put in use the area for any other activities even for ecotourism, we are of the view that after evacuation of the workers by following due process of law, the entire area should be maintained as pristine forest with a larger number of flora and fauna and no commercial activities including ecotourism shall be



W.P.(MD) No.15001 of 2024, etc. batch

undertaken by the State Government so that the entire landscape would be a model to the entire State of Tamil Nadu.

42. The Tamil Nadu Tea Plantation Corporation (TANTEA) in its status report has clearly stated that Manjolai, Kakkachi, Nalumukku and Oothu estates fell within the land leased to BBTCL by the then Singampatti Zamin and in 2007, the entire area covering Kalakkad - Mundanthurai Tiger Reserve, including the leased lands, were declared a Core or Critical Tiger Habitat and in 2012, the area was declared a tiger sanctuary and later on, the entire area where Manjolai tea estate is located was declared a reserve forest in 2018. Therefore, according to TANTEA, leased lands cannot be taken over by it for tea plantation.

43. The State Government has now taken a concrete stand that they are not in a position to direct the TANTEA to take over the Estates as it would only be violative of environmental laws, more particularly, The Forest Conservation Act, 1980, as well as the Order of the Hon'ble Supreme Court. Once the area in issue has been declared as forest, such forest land cannot be used for any other purposes, much less commercial purposes. Though the BBTCL was permitted to continue its leasehold rights as the lease comes to an end only in February 2028, we are of the view that such forest land has to be preserved only as forest and no more commercial activities shall be engaged. At the most for the removal



W.P.(MD) No.15001 of 2024, etc. batch

of the plantations services of the skilled labourers can be availed by the Government. However, the contention made on behalf of the workers community that the workers should be allotted land for their own cultivation cannot be countenanced.

44. The State Government has now come up with certain initiative measures and schemes to support rehabilitation and resettlement of the already relocated and being relocated workers.

45. The learned Advocate General would submit that 240 houses (tenements), which were built by TNUHD Board in Ambasamutram circle, Pappangul and 150 apartment houses in Redyarpatti in Tirunelveli are readily available for allotment to the Manjolai tea plantation workers on priority basis and workers those who are willing to relocate could make an application in this regard. Recording the said statement, this court directs the Government that for the remaining other workers of the Manjolai and other Tea Plantation Estates also similar set up houses shall be built as expeditiously as possible.

46. We make it clear that rehabilitation and resettlement schemes will not come in the way of the tea plantation workers to agitate their claim over the Voluntary Retirement Scheme (VRS) in the appropriate forum under the Industrial Disputes Act, 1947, either in the pending disputes or by raising disputes, if they desire so.



W.P.(MD) No.15001 of 2024, etc. batch

47. The Government shall take every endeavour to see that the rehabilitation and resettlement schemes, as set out in the status report and enumerated by the learned Advocate General across the bar by taking this court through the Status Report filed by the Special Secretary (Forest), are scrupulously implemented.

48. In the light of the above discussions, (a) we leave the issue regarding the VRS open to be decided by the appropriate forum under the Industrial Disputes Act, 1947 or such other authority in accordance with law; (b) we are further of the opinion that since the areas where the tea plantation activities were going on have now been declared as as a core critical tiger habitat by invoking the 1972 law and finally, on 12th January, 2018, the areas were also notified as reserve forests and also the fact that the workers are not protected under FRA, 2006, neither the plea for assignment of land for cultivation nor the plea for a direction to the Government to take up the Tea Plantations under the Control of TANTEA could be acceded to.

49. The issue in insofar as it relates to rehabilitation and resettlement of the workers is concerned, we hope that the State Government will take every endeavour to see that the schemes undertaken by them in their status report are scrupulously implemented.

50. Insofar as the public interest litigations which were filed with the



W.P.(MD) No.15001 of 2024, etc. batch

objective that the lands leased out to the BBTCL should be restored to Government and that the entire landscape should be maintained as reserve forest with the original forest cover, we direct the State Government to take appropriate steps to plant, nurture, and preserve native trees on the reserve forest, the State Government shall take appropriate steps in terms of the Forest Laws.

In the result, (1) the Writ Petitions in W.P.(MD) Nos.13104, 16381, 17911, 19108 & 24693 of 2024 are disposed of with the above directions.

(2) the Writ Petitions in W.P.(MD) No.15001, 15012, 13104, 13375 and 16501 of 2024 are disposed of in the following terms:

(i) The State Government shall provide house site pattas to homeless workers who want to settle in rural areas at free of cost and to extend financial support to build individual houses under the “Kalaingar Kanavu Illam” scheme by relaxing the existing government norms as a special case;

(ii) (a) The State Government shall allot 240 houses built by the Tamil Nadu Urban Habitat Development Board at Pappangulam in Ambasamutram Taluk and 150 apartment houses at Reddiarpatti in Tirunelveli, which are already built and are readily available for allotment, to the workers at no cost;

(b) In order to provide housing for the remaining homeless and resettled workers, the State Government will also make sure that additional measures are



W.P.(MD) No.15001 of 2024, etc. batch

done to construct similar-setup homes.

(iii) The State Government shall ensure that appropriate financial support is extended for the displaced workers, who belong to the Scheduled Caste and are below 55 years of age and are in need of other livelihood, with 35% of subsidy and 6% interest subvention loan for starting new business under the Annal Ambedkar Business Champions Scheme (AABCS);

(iv) The State Government shall also ensure that financial support is extended to the workers belonged to the other categories by providing self-employment loans up to a maximum of Rs. 75.00 lakhs with 25% subsidy and 3% interest subvention under the New Entrepreneurs and Enterprise Development Scheme (NEEDS);

(v) The State Government will provide skill training through the Tamil Nadu Skill Development Corporation and the Tamil Nadu State Rural Livelihood Mission for the eligible workers and their family members;

(vi) The State Government will make arrangements to provide appropriate employment opportunities in the private sector to those workers on their completion of skill training;

(vii) The State Government will also ensure that

(a) an interest-free loan is provided to the needy workers through Aavin Corporation and Co-operative



W.P.(MD) No.15001 of 2024, etc. batch

Department for the setting up of small dairy farms and the purchase of milch cows and goats; and

(b) a small loan up to Rs. 1.50 lakh is provided for the workers through women self-help groups; so that they can improve their living standards;

(viii) The State Government will take necessary steps to ensure that students studying at Government Schools are admitted to the Government Schools of their choice and accommodate them in the Government Hostels on a priority basis so that their education will not be affected;

(ix) the Government will take necessary steps to ensure that the workers are issued with Family Card, Aadhaar Card, Voter Identity Card to the addresses where they want to settle by conducting special camps;

(x) Labour and Skill Development Department will take steps to ensure that the remaining 75% ex-gratia due to the workers by BBTCL is paid as per the directions of this court and all the statutory benefits are duly paid.

No costs. Consequently, connected WMPs including the impleadment applications are closed.

Index : yes / no
Neutral Citation : yes / no
kmk

[N.S.K.J.] [D.B.C.J.]
03..12..2024



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W.P.(MD) No.15001 of 2024, etc. batch



W.P.(MD) No.15001 of 2024, etc. batch

To

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- 1.The Additional Chief Secretary,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai 600 009.
- 2.The Secretary, Ministry of Environment,
Forest and Climate Change,
Indira Paryavaran Bhavan,
Jorbag Road, New Delhi 110 003.
- 3.The Secretary,
Ministry of Labour and Employment,
Shram Sakthi Bhawan Rafi Marg,
New Delhi 110 001.
4. The Secretary,
Ministry of Tribal Affairs,
4th Floor, B-Wing,
Shastri Bhawan,
New Delhi 110 001.
- 5.The Secretary,
Ministry of Social Justice and Empowerment,
Room No.202, 2nd Floor, C-Wing,
Shastri Bhawan,
New Delhi 110 001.
- 6.The Member Secretary,
National Tiger Conservation Authority of India,
B-1, Wing, 7th Floor,
P.T. Deen Dhayal Antyodaya Bhawan,
CGO Complex, New Delhi.



W.P.(MD) No.15001 of 2024, etc. batch

7.The Inspector General of Forest (Southern Zone),
The National Tiger Conservative Authority of India,
Regional Office,
Doresanipalya Forest Campus ,
Arckere Mico Layout,
J.P.Nagar, 5th Phase, Bengaluru.

8.The Principal Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai.

9.The Secretary,
Revenue Department,
Secretariat, Fort St. George,
Chennai.

10.The Secretary,
Forest Department,
Secretariat, Fort St. George,
Chennai.

11.The Secretary,
Department of Labour Welfare Department & Skill Development,
Secretariat, Fort St. George,
Chennai.

12.The Secretary,
Agriculture Department,
Secretariat, Fort St. George,
Chennai.

13.The Secretary,
Department of Natural Resources,
Secretariat, Fort St. George,
Chennai.



W.P.(MD) No.15001 of 2024, etc. batch

14. The Principal Secretary,
Environment, Climate Change and Forest Department,
Chairperson, TANTEA,
Secretariat, Fort St. George, Chennai.

15. The Secretary to Government,
Department of Rural Development and Panchayat Raj,
Secretariat, St. George Fort,
Chennai 600 009.

16. The Managing Director,
Tamil Nadu Tea Plantation Corporation,
Convent Road, Coonoor, The Nilgiris.

17. The District Collector,
Tirunelveli District,
Tirunelveli.

18. The District Collector,
Tenkasi District, Tenkasi.

19. The Revenue Divisional Officer,
Cheranmahadevi, Tirunelveli.

20. The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

21. The Deputy Commissioner of Labour,
Tirunelveli District.

22. The Deputy Commissioner of Labour,
8/1A, St. Thomas Street,
Maharaja Nagar, Tirunelveli.



W.P.(MD) No.15001 of 2024, etc. batch

23. The District Forest Officer,
Tirunelveli Division,
NGOA Colony,
North Main Road, Tirunelveli.

24. The Principal Secretary,
Ministry of Environment Forest,
Government of India,
501, C Wing, Shastri Bhawan, New Delhi.

25. The Assistant Director of Town Panchayats,
Jawahar Nagar,
NGO Colony,
Palaymkottai, Tirunelveli 627 007.

26. The Superintendent of Police,
Highground Road,
Palayamkottai, Tirunelveli.

27. The District General Manager,
BSNL,
South By Pass Road,
Vannarapettai,
Tirunelveli 627 003.

28. The Director General of Police,
Tamil Nadu,
Dr. Radhakrishnan Salai,
Mylapore, Chennai 600 004.

29. The Assistant Inspector of General of Forests,
National Tiger Conservation Authority,
South Zone, Doresanipalya Forest Campus,
Arekere Mico Layout, JP Nagar, 5th Phase,
Bengalure, Karnataka - 560 076.



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W.P.(MD) No.15001 of 2024, etc. batch

**N.SATHISH KUMAR.J.,
AND
D. BHARATHA CHAKRAVARTHY.J.,**

kmk

Pre-delivery common order
in
Writ Petition (MD)
Nos.15001, 15012, 13104, 13375,
16381, 16501, 17911, 19108 & 24693 of 2024

03..12..2024