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CONT P No. 956 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CONT P No. 956 of 2025

1. R. Murali Babu,
Son of Rangaswamy, Krishnaleela, 59-
E, Ooty Main Road, Mettupalayam -
641 301 Coimbatore District.

Petitioner(s)

Vs

1. Mr. Kranthi Kumar Pati, I.A.S.,
District Collector,
7, State Bank Road, Gopalapuram,
Coimbatore - 641 018.

Contemnor(s)

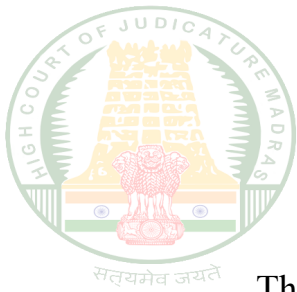
PRAYER

To punish the respondent for willful disobedience of the order dated 08.10.2021 passed by this Court in W.P.No 22063 of 2021.

For Contemnor(s): Mr.Sharath Chandran

For Respondent(s): Mr.P.Sathish

Additional Government Pleader



ORDER

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The contempt petition has been filed for the violation of the order dated 08.10.2021 in W.P.No 22063 of 2021.

2. When the writ petition came up for hearing on 08.10.2021, the following order was passed by this Court,

“Mr.J.Ravindran, learned Additional Advocate General assisted by Mr.A.Selvendran, learned Government Advocate takes notice on behalf of the respondents.

2. The main ground of challenge in the present writ petition is that, the notification was issued by the second respondent, without providing any opportunity to the petitioner. That apart, the second respondent has also not taken into consideration the judgment of the Hon'ble Supreme Court, where a clear stand was taken to the effect that the private lands which are falling in the 'Elephant Corridor' would be acquired on payment of adequate compensation.

3. A prima facie case has been made out. The learned Additional Advocate General appearing on behalf of the respondents vehemently opposed the grant of interim order on the ground that the petitioner had waited for four long months after the notification was issued by the second respondent and therefore requests this Court to take up the main writ petition itself for final hearing and the learned Additional Advocate General submitted that a counter will be filed immediately.



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3. The impugned notification issued by the second respondent shall be kept in abeyance and the respondents are directed to file a counter in this writ petition. Post this case on 25.10.2021 immediately after admission.”

3. The matter was thereafter listed on 26.04.2023 and the following order was passed by this Court,

“A counter affidavit has been filed by the 2nd respondent and the main stand that has been taken in the counter affidavit is that the land of the petitioner has been notified under the Tamil Nadu Preservation of Private Forest Act, 1949 and hence the payment of compensation to the petitioner does not arise. It is quite unfortunate that the 2nd respondent in the counter affidavit does not make any mention about the Government Orders that were passed pursuant to the judgment of the Division Bench of this Court which was confirmed by the Hon'ble Supreme Court. G.O.(Ms.) No.154 dated 15.11.2011 constituted a Committee to explore the possibility of acquiring the body lands with the willingness of the farmers to restore the Elephant Corridor. This G.O was withdrawn by a subsequent G.O.(MS).No.97 dated 28.3.2012 without assigning any reasonings. All of a sudden, the 2nd respondent comes up with a stand in the counter affidavit, as if the land of the petitioner has been notified under the Tamil Nadu Preservation of Private Forest Act, 1949.

2.In the considered view of this Court, a detailed investigation is required in this case since



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ultimately for those persons whose lands fall within the Elephant Corridor, they must be able to get some relief and they cannot be thrown away from the lands without any compensation. If such a stand is entertained, it will run against the earlier directions issued by the Division Bench of this Court, which was also confirmed by the Apex Court. The learned Additional Government Pleader appearing on behalf of the respondents shall take instructions on all these issues and get ready for the final hearing in this writ petition.

3. Post this writ petition under the caption "for orders" on 12.6.2023."

4. Once again, the matter was listed on 20.06.2023 and the following order came to be passed,

"Pursuant to the earlier orders passed by this Court on 12.06.2023, the matter was taken up for hearing today.

2. The learned Special Government Pleader appearing on behalf of the respondents filed additional counter affidavit of the 1 respondent along with typed set of papers and a copy of same was also furnished to the learned counsel for the petitioner.

3. In continuation to the earlier order passed by this Court on 26.04.2023, certain other important issues were brought to the notice of this Court by the learned counsel for the petitioner.

4. The learned counsel for the petitioner submitted that the 2nd respondent while filing the counter affidavit had taken note of the description of the Corridor as contained in the book titled Right of



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Passage, Elephant Corridors of India and specific reliance was placed on Chapter VIII which deals with Elephant Corridors of Southern India and the first portion of 8.21 was also extracted in the counter affidavit. On going through the same, this Court finds that the said portion also deals with the human dimensions in the following manner.

HUMAN DIMENSIONS

Threats

1. The Swami Sachidhanandha Jothi Niketan occupies a vast area adjacent to the corridor. Its boundary is protected by a solar fence.

2. Black Thunder (Water Theme Park): Indiscriminate construction around the theme park has increased human occupancy and biotic pressure on the corridor areas.

3. Kallar Pudur (an encroachment near Swami Sachidhanandha Jothi Niketan): The huts here have been gradually been replaced by concrete buildings. The area now also has streetlights.

4. Kallar village has expanded on the northern side of Kallar railway station.

5. Areca nut, banana and coconut plantations are hindering elephant movement through the corridor

6. Unscientifically designed electric fences have been erected in the area in the last few years, posing a threat to elephants.

7. Heavy traffic on the Mettupalayam-Coonoor and Mettupalayam-Kotagiri highways. An average of 285 vehicles per hour was recorded on the Mettupalayam-Coonoor highway, with peak traffic between 12 noon and 4 pm. Vehicle movement was low at night and in the early morning hours (1 am to



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5 am). The high traffic volume, especially during the dry season, is a serious impediment to elephant movement.

8. *Government Horticultural Garden:* Located in the bottleneck of the corridor, this has blocked elephant movement to a significant extent.

Corridor dependent villages: Nellithurai, Nandhavanapudur, Kallar and Kallar Pudur.

Human-Elephant Conflict: Development activities increased in the area around 1997, leading to a rise in conflict. Fifteen human deaths due to elephants and nine elephant deaths due to electrocution were reported between 1994 and 2007.

5. The learned counsel for the petitioner submitted that the properties that were identified within the Elephant Corridor must be treated equally and there cannot be unequal treatment as between the land owners. It was submitted that if the petitioner's land is notified as a private forest on the ground that it falls within the Elephant Corridor, the same must be the case with all properties that fall within the Elephant Corridor. If the same is not done and the respondents adopted a pick and choose method, it was contended that the notification is liable to be interfered for violation of Article 14 of the Constitution of India.

6. It was further submitted that the Elephant Corridor in Nilgiris and the Elephant Corridor falling within the Coimbatore District must be considered equally since the Corridor that has been identified as a regular passage used by the elephants. Hence, all the properties that fall within the Elephant Corridor must be treated in the same manner and there cannot be two different approaches for the Elephant Corridor



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in Nilgiris and the one at Coimbatore.

7. *The learned counsel for the petitioner submitted that the subject property falls in Odanthurai Village, which does not even form part of the Corridor dependent villages as mentioned in the book referred supra. In view of the same, the learned counsel submitted that the impugned notification dated 07.06.2021, has to be quashed on the simple ground that it is in violation of Article 14 of the Constitution of India.*

8. *The other grounds that were raised was already considered by this Court while passing the earlier order passed by this Court on 26.04.2023. In view of the same, the learned Additional Advocate General is directed to address the issues that have been raised during the next date of hearing.*

9. *The Apex Court in **T.N. Godavarman Thirumulkpad v. Union of India and Others** reported in (1997) 2 SCC 267, while dealing with "Forest" under the Forest Conservation Act, 1980, specifically dealt with State of Tamil Nadu at IV. The State Government was directed to constitute a Committee for identifying all Forests. It was also made clear that this order is to operate and implemented notwithstanding any order at variance, made or which may be made by any government or any authority, tribunal or Court, including the High Court. Pursuant to this order, a Committee was constituted through G.O.Ms.No.15 dated 20.01.1997. The Committee submitted its report to the State of Tamil Nadu and annexure 2 to the report specifically deals with the areas identified as 'Forests' under private 118 (ownership. Insofar as the Coimbatore is concerned, the name of the owner and the extent under their*



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occupation has also been stated. For proper appreciation, the same is extracted hereunder:

ANNEXURE-2

STATEMENT OF AREAS IDENTIFIED FORESTS UNDER PRIVATE OWNERSHIP

S.No.	Name of District	Name of Owner	Extent in HA	Remarks
(1)	(2)	(3)		
1.	Coimbatore	Peria Karmalai	63.85	
		B.B.T.C	255.66	
		TATA TEA Ltd	457.49	
		TEA ESTATE INDIA	43.23	
		WATERPALL ESTATES	45.82	
		PARRY AGRO INDUSTRIES	72.09	
		NEPC-KAVERLY	21.30	

10. The learned Additional Advocate General shall take instructions as to the follow up action on the report submitted by the Committee and the steps taken to deal with those properties identified as 'Forests' under the private ownership.

11. Post this writ petition under the caption 'part heard cases' on 27.06.2023."

5. The contempt petition came up on 15.04.2025 and a status report was filed by the respondents. Considering the same, the following order was passed by this Court,

"When the matter was taken up for hearing today, the Status Report in of the respondent was placed before this Court. The relevant portion in the report is extracted hereunder:-

"Further, the petitioner filed wrongly stating that forest staff are trespassing into the said land and imposing



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restrictions on workers of the Estate. Forest staff of Mettupalayam Forest Range use pathway from Ootyroad to access Kallar and Aduthurai. Reserve Forest while going for field patrolling and the petitioners land is just located adjoining to the sensitive forest areas in the range (Report of the Forest Range Officer. Mettupalayam is enclosed herewith). Forest staff by any means have not disturbed the estate persons as ownership of the land lies with them even though it is declared as private forest which is only regulatory in nature. But the owner of the land notified under TNPPF Act, as per the rules has to get permission of the committee headed by the District Collector while alienating or dealing with the title of such land as contemplated under Section 3 (1) of the TNPPF Act or to get such permission while taking up any non-forest activity in such land as contemplated under Section 3(2) of the Tamil Nadu Preservation of Private Forests Act. The respondent/forest staff did not impose restrictions on the said lands. Erection of fencing in the above said land is also regulated under already existing provisions of Tamil Nadu Power Fencing (Registration and Regulation) Rules 2023 which is framed under Wildlife Protection Act 1972. Since the declaration was already kept in



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abeyance as per the Hon'ble Court's order, no forest or revenue staff have put any unlawful restrictions citing the Preservation of Private Forest Act 1949."

2. Post this Contempt Petition on 10.06.2025 at 02.15 p.m."

6. Learned counsel for the petitioner submitted that, even according to the status report filed by the second respondent, a notice was served on the petitioner on 10.04.2025 for an enquiry scheduled on 11.04.2025, and the petitioner did not have sufficient time to attend the enquiry. It was further submitted that even in the status report, a stand has been taken to the effect that no disturbance, as alleged by the petitioner, will be caused by any officials. However, the issue can be resolved conclusively only if an enquiry is conducted and a decision is taken regarding the acquisition of the land. Hence, the learned counsel for the petitioner requests this Court to issue necessary directions to conduct an enquiry and take a decision.

7. Considering the submissions made on either side, and considering the earlier orders passed by this Court, and also taking into account the stand taken by the respondent at Paragraph No. 6 of the status report filed before this Court, there shall be a direction to the respondent to fix a date for enquiry, afford sufficient opportunity to the petitioner, and take a final decision regarding the acquisition of the land. This process shall be completed by the respondent



within three months from the date of receipt of a copy of this order.

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8. With the above direction, the Contempt Petition is closed. No costs.

10-06-2025

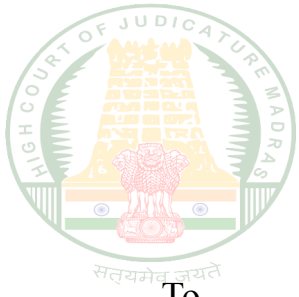
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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1.Mr. Kranthi kumar Pati, I.A.S.,
District Collector, 7, State Bank Road,
Gopalapuram, Coimbatore - 641 018.



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N.ANAND VENKATESH J.

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