



W.P.(MD)No.3180 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

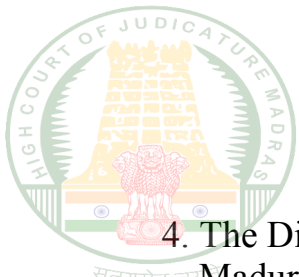
SUO MOTU W.P.(MD)No.3180 of 2025

The High Court of Judicature at Madras,
Represented by its Registrar (Judicial),
Madurai.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of Environment, Climate Change and Forest,
Fort St.George,
Chennai.
2. The Principal Chief Conservator of Forest Cum Chief Wildlife Warden,
Forest Headquarters Buildings,
Guindy - Velachery Main Road,
Guindy, Chennai 600 032.
3. The Additional Principal Conservator of Forest,
Southern Region (Madurai),
Melur Main Road,
K.K.Nagar,
Madurai 600 020.



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4. The District Collector,
Madurai District,
Madurai

5. The Chief Engineer,
Water Resource Organization,
Public Works Department,
PWD Compound,
Thallakulam, Madurai.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to declare the Samanatham Tank, Thiruparankundram Block, Madurai District as a sanctuary in terms of Section 18 of the Wildlife Protection Act 1972 within a time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

This *suo motu* Public Interest Litigation has been instituted to declare the Samanatham Tank, Thiruparankundram Block, Madurai District as a sanctuary in terms of Section 18 of the Wildlife Protection Act 1972 (hereinafter referred to as 'the Act') within a time stipulated by this Court.



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2.No doubt, birds migration activities are going on in Samanatham Tank as per the statements made on behalf of the petitioner. However, such decisions have to be taken by the Government on the recommendations of the competent authorities and after obtaining expert's reports from the authorities concerned. For declaration of a Tank as a Sanctuary requires certain procedures to be followed under the statutes and rules in force. Therefore, the High Court may not be in a position to issue a positive direction in the nature of declaration to declare Samanatham Tank as a Sanctuary in terms of Section 18 of the Act. Further, the Court not being the expert body cannot substitute expert views and directives of the executive.

3.The Act contemplates various conditions and circumstances warranting such declaration in a public interest and therefore, this Court is of the considered view that the respondents may take note of the facts reiterated by the Division Bench of this Court, while initiating *suo motu* proceedings and if necessary, process the same in the manner known to law.



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4. With the above observation, this Writ Petition is disposed of. No costs.

(S.M.S., J.) & (A.D.M.C., J.)

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NCC : Yes / No

Index : Yes / No

Yuva

To:-

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S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

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