

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
ORIGINAL APPLICATION NO. 249 OF 2024

Suo Moto matter in respect of news item  
appearing in The Hindu dated 27.05.2024 titled  
"T.N. Forest Minister Mathiventhan criticized  
for staying at partially-closed 'illegal resort' in  
Mudumalai Tiger Reserve

..... APPLICANT(S)

VERSUS

The Union of India  
Represented by its Secretary,  
MoEF&CC, RO, Chennai and Ors.

.....RESPONDENT(S)

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Place: Chennai

Date: 25.04.2025

Dated at chennai on this the 25th day of April 2025



Counsel for the Respondent 1

**IN THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) AT CHENNAI**

**O.A. No. 249 of 2024(SZ)**

**IN THE MATTER OF:**

Suo Moto matter in respect of news item appearing in The Hindu dated 27.05.2024 titled "T.N. Forest Minister Mathiventhan criticized for staying at partially-closed 'illegal resort' in Mudumalai Tiger Reserve".

And

1. Ministry of Environment, Forest & Climate Change, through Regional Office, Deputy Director General of Forests (C), 1<sup>st</sup> Floor, Additional Office Block for GPOA, Shastri Bhawan, Haddows Road, Nungambakkam, Chennai – 600006.

2. Principal Chief Conservator of Forest (Head of Department), Forest Headquarters building, Near Kannikapuram check post, Guindy-Velachery Main Road, Guindy, Chennai – 600032.

3. District Magistrate, Nilgiris District, 171, Church Hill Road, Near Charing Cross, Pudumund, Ooty, Tamil Nadu – 643001.

...Respondents

**AFFIDAVIT FILED BY THE 1<sup>st</sup> RESPONDENT**

I, K. Karthikeyan, S/o Karuppaiah.M.A aged about 44 years, the Assistant Inspector General of Forests (C), Ministry of Environment, Forest & Climate Change, having Regional Office at 1<sup>st</sup> Floor, Additional Officer Block for GPOA, Shastri Bhawan, Haddows Road, Nungambakkam, Chennai – 600 006, do hereby solemnly affirm and sincerely state as follows:

  
**K. Karthikeyan, IFS**  
Asst. Inspector General of Forests (C)  
Government of India  
Regional Office, MoEF&CC  
Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai - 600 006

1. I am the 1<sup>st</sup> Respondent herein and I am well acquainted with the facts and circumstances of the case from the perusal of the records available.
2. It is submitted that, Wild Life (Protection) Act, 1972 has been enacted with a view to ensure the ecological and environmental security and for the conservation, protection and management of wild life of the Country.
3. It is submitted that the matter in question is *sub judice* before the Hon'ble High Court of Madras in Writ Petition No. 23528/2024 titled as *M/s. Rolling Stones Resort v/s The Segur Plateau Elephant Corridor Inquiry Committee*, on the action or inaction over demolition of resorts and buildings constructed on the notified Elephant Corridor.
4. It is submitted that, the Ministry of Environment, Forest and Climate Change (MoEF&CC), in coordination with the State Forest Departments, have ground-validated 150 elephant corridors across 15 elephant range states (i.e. Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Jharkhand, Karnataka, Kerala, Meghalaya, Nagaland, Odisha, Tamil Nadu, Uttarakhand, Uttar Pradesh, and West Bengal) in India and informed the State Governments/UT Administrations to take necessary steps to protect and conserve the elephant corridors.
5. It is further submitted that, the Hon'ble Supreme Court in W.P. (C) No. 897/1996 titled as *A. Rangarajan & Ors. v/s Union of India* through MoEF&CC & Ors. vide its Order dated 09.08.2018 directed to the Collector of the Nilgiris, Tamil Nadu to close down and seal the 39 resort complexes with restaurant (commercial buildings) after furnishing documents showing approval and valid title and possession for running resorts before the Collector within 48 hours' time. Further, the non-resort dwellers who were identified by the Collector's report to be occupying land in the corridor area,

  
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Government of India  
Regional Office, MoEF&CC  
Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai - 600 006

were granted a period of 2 months to produce necessary documents for verification before the Collector. The copy of the Order dated 09.08.2018 is annexed herewith and marked as **Annexure- 1**.

6. It is further submitted that, being aggrieved by the Hon'ble Supreme Court's Order dated 09.08.2018 in the matter of W.P. (C) No. 897/1996 titled as A. Rangarajan & Ors. v/s Union of India through MoEF&CC & Ors., an appeal was filed by the Hospitality Association of Mudumalai titled as Civil Appeal No. 3438-3439/2020, titled as Hospitality Association of Mudumalai Vs. In Defence of Environment and Animals & Ors. The MoEF&CC vide its letter dated 14.12.2021, communicated to all Project Elephant Range States/ UTs about the observation made by the Hon'ble Supreme Court in the matter of Civil Appeal No. 3438- 3439/2020, wherein the Hon'ble Supreme Court observed about the importance of the protection of the elephant Corridors. The copy of the letter dated 14.12.2021 is annexed herewith and marked as **Annexure- 2**.

7. It is further submitted that, in continuation to the above said letter, a letter dated 20.04.2023 is sent to all the Elephant Range States/ UTs to ensure that there should be no hindrance such as fences/ barriers/ trenches etc. or by using manpower for obstructing the movement of elephant in bordering areas and no manpower such as hulla parties, creating noise or using cracker/ fire should be used for forcefully driving away the elephant from one State to other or preventing their entry. The copy of the letter dated 20.04.2023 is annexed herewith and marked as **Annexure- 3**.

8. it is submitted that, the MoEF&CC, in coordination with the State Forest Departments, have ground-validated 150 elephant corridors across 15 elephant range states (i.e. Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Jharkhand, Karnataka, Kerala, Meghalaya, Nagaland,

  
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Odisha, Tamil Nadu, Uttarakhand, Uttar Pradesh, and West Bengal) in India and informed the State Governments/UT Administrations to take necessary steps to protect and conserve the elephant corridors. In this regard a letter dated 22.08.2023 is circulated to all the States/ UTs to take necessary steps to protect and conserve the elephant corridors. A copy of letter dated 22.08.2023 is annexed herewith and marked as **Annexure- 4**.

9. It is submitted that the 'land' is a subject matter of State Government/UT administration. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government/UT administration. That, inter-alia, being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court. Notification of protected areas such as National Park, Tiger Reserve, Wildlife Sanctuary, are being done by the State Government as per the provisions of Wildlife (Protection) Act, 1972. If such areas are notified, its physical boundaries and its protection are the sole responsibilities of the concerned State Government.

10. It is submitted that, the provisions of Section 29 of the Wild Life (Protection) Act, 1972 as follows:

*"No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the National Board that such removal of wild life from the*



**K. Karthikeyan, IFS**  
Asst. Inspector General of Forests (C)  
Government of India  
Regional Office, MoEF&CC  
Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai - 600 006

*sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit.”*

11. It is further submitted that Section 33 of the Wild Life (Protection) Act, 1972 provides that the Chief Wild Life Warden shall be the authority to control, manage and protect all Sanctuaries.

12. It is also submitted that as per section 34A of the Wild Life (Protection) Act, 1972,

*“(1) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Conservator of Forests may,-*

*(a) evict any person from a sanctuary or National Park, who unauthorisedly occupies Government land in contravention of the provisions of this Act;*

*(b) remove any unauthorised structures, buildings, or constructions erected on any Government land within any sanctuary or National Park and all the things, tools and effects belonging to such person shall be confiscated, by an order of an officer not below the rank of the Deputy Conservator of Forests:*

*Provided that no such order shall be passed unless the affected person is given an opportunity of being heard.*

*(2) The provisions of this section shall apply notwithstanding any other penalty which may be inflicted for violation of any other provision of this Act.”*

13. It is submitted that prior approval of the Central Government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam,



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1980 is required for carrying out any non-forestry activity on forest land.

14. It is further respectfully submitted that in cases of unauthorized construction or illegal encroachments within Protected Areas, the State Government is vested with the requisite power to take appropriate legal action and initiate proceedings against the wrongdoers, as per the provisions of the Wild Life (Protection) Act, 1972.

15. I state that on perusal of this issue it is humbly submitted that State Forest Department of Tamil Nadu can give a clear picture and report on this issue.

In view of the above-mentioned facts, the 1<sup>st</sup> Respondent humbly prays that the Hon'ble Tribunal may be pleased to pass such further or other orders as deemed fit in the interest of the Justice.

Solemnly affirmed at Chennai on  
this the 25<sup>th</sup> day of April, 2025  
and signed his name in my presence

*Angamuthi*  
ms 4813/24  
Before me Plot No. 1  
Monglam st.  
Chn - 12

*H*

**K. Karthikeyan, IFS**  
Asst. Inspector General of Forests (C)  
Government of India  
Regional Office, MoEF&CC  
Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai - 600 006

ITEM NO.11

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).897/1996

A. RANGARAJAN &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA  
MINISTRY OF ENVIRONMENT AND FOREST & ORS.

Respondent(s)

WITH

SLP(C) No. 5176/2012 (XII)

SLP(C) No. 2666/2012 (XII)

SLP(C) No. 7619/2012 (XII)

S.L.P.(C)...CC No. 5161/2012 (XII)

SLP(C) No. 20154/2011 (XII)

SLP(C) No. 37332/2013 (XII)

S.L.P.(C)...CC No. 9201/2012 (XII)

SLP(C) No. 21460/2011 (XII)

SLP(C) No. 17313-17314/2011 (XII)

SLP(C) No. 21463-21464/2011 (XII)

SLP(C) No. 21461/2011 (XII)

SLP(C) No. 16668/2011 (XII)

SLP(C) No. 17160/2011 (XII)

SLP(C) No. 17155-17156/2011 (XII)

SLP(C) No. 17150-17151/2011 (XII)

SLP(C) No. 21480/2011 (XII)

Signature Not Verified

Digitally signed by  
SANJAY KUMAR  
Date: 2012.10.05  
17:27:41 IST  
Reason

SLP(C) No. 21467/2011 (XII)

SLP(C) No. 21472/2011 (XII)

SLP(C) No. 21477/2011 (XII)

SLP(C) No. 21478/2011 (XII)

SLP(C) No. 21470/2011 (XII)

SLP(C) No. 21468/2011 (XII)

SLP(C) No. 21469/2011 (XII)

SLP(C) No. 24826/2011 (XII)

SLP(C) No. 19112/2011 (XII)

SLP(C) No. 25010/2011 (XII)

SLP(C) No. 31581/2011 (XII)

SLP(C) No. 35559/2013 (XII)

SLP(C) No. 30535/2011 (XII)

SLP(C) No. 35644/2013 (XII)

SLP(C) No. 30536/2011 (XII)

SLP(C) No. 9305/2012 (XII)

S.L.P.(C)...CC No. 5278/2012 (XII)

S.L.P.(C)...CC No. 5312/2012 (XII)

Diary No(s). 16319/2017 (XII)

Date : 09-08-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv.(A.C.)(NP)

Ms. Aparajita Singh, Adv. (A.C.)(NP)

Mr. A.D.N. Rao, Adv. (A.C.)

Mr. Sudipto Sircar, Adv.

Ms. Tulika Chikker, Adv.

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s) Mr. Salman Khurshid, Sr. Adv.  
Ms. Madhavi Divan, Adv.  
Mr. Manan Verma, Adv.

Ms. Palak Mahajan, Adv.  
Ms. Diksha Rai, AOR

Mr. Basant R., Sr. Adv.  
Mr. Rahul Shyam Bhandari, Adv.

Mr. Venkataramani, Sr. Adv.  
Mr. Deepayan Mandal, Adv.

Mr. Sudarsh Menon, AOR

Mr. K. V. Mohan, AOR  
Mr. K.V. Balakrishnan, Adv.

Mr. Nikhil Nayyar, AOR

Mr. Venkatramani, Sr. Adv.  
Mr. S. Ravi Shankar, AOR  
Ms. Yamunah Nachiar, Adv.

Mr. Avishkar Singhvi, Adv.  
Mr. Abhimanyu Bhandari, Adv.  
Ms. Roohina Dua, Adv.  
Mr. Cheitanya Madan, Adv.  
Mr. Naveen Kumar, AOR

Mr. Sridhar Potaraju, AOR  
Mr. Prabhat Kumar, Adv.  
Ms. Ankita Sharma, Adv.  
Ms. Shiwani Tushir, Adv.

Mrs. Lalita Kaushik, AOR  
Ms. Eisha Krishn, Adv.

Mr. Shakil Ahmed Syed, AOR  
Mr. Zafarullah Khan, Adv.  
Mohd. Parvez Dabas, Adv.  
Mr. Daanish Ahmad Syed, Adv.  
Mr. Uzmi Jameel Husain, Adv.

Mr. R. Anand Padmanabhan, Adv.  
Mr. Shashi Bhushan Kumar, AOR

Mr. Kaustubh Shukla, AOR  
Mr. Abhay Singh, Adv.

Mr. V. Balachandran, AOR  
Mr. Siddharth Naidu, Adv.

Mr. Vikas Mehta, AOR  
Mr. Vasanth Bharani, Adv.

Mr. Trideep Pais, Adv.  
 Ms. Tusharika Mattoo, Adv.  
 Ms. Rukhsana Choudhury, AOR

Mr. Gopal Shankaranarayanan, Adv.  
 Mr. Senthil Jagadeesan, AOR  
 Ms. Sonakshi Malhan, Adv.  
 Ms. Suriti Chowdhary, Adv.

Mr. Amit, Adv.  
 Mr. Mukesh Kumar Singh, Adv.  
 Ms. Vani Vyas, Adv.  
 Mr. Ravi Chandra Prakash, Adv.  
 Ms. Amita, Adv.  
 Mr. Mohit Kaushik, Adv.

Mr. P. K. Manohar, AOR

Mr. Manoj V. George, Adv.  
 Mr. Zulfiker Ali P. S, AOR  
 Ms. Shilpa Liza George, Adv.  
 Mr. Faisal M. Aboobaker, Adv.  
 Ms. Lakshmi Sree Puthenpurackal, Adv.

For Respondent(s)/  
 applicant(s)

Mr. Atmaram N.S. Nadkarni, ASG  
 Mr. S. Wasim A. Qadri, Adv.  
 Mr. D.L. Chidanand, Adv.  
 Mr. Ritesh Kumar, Adv.  
 Mr. Gurmeet Singh Makker, AOR  
 Mr. B. Krishna Prasad, AOR

Assam

Mr. Shuvodeep Roy, AOR

Bihar

Mr. Gopal Singh, AOR  
 Mr. Manish Kumar, Adv.  
 Mr. Kumar Milind, Adv.  
 Mr. Baij Nath Patel, Adv.

Chhattisgarh

Mr. Apoorv Kurup, Adv.  
 Mr. A.C. Boxipatro, Adv.

Gujarat

Ms. Hemantika Wahi, Adv.  
 Ms. Jesal Wahi, Adv.  
 Ms. Vishakha, Adv.  
 Ms. Mamta Singh, Adv.

Jharkhand

Mr. Tapesh Kumar Singh, Adv.  
 Mr. Baij Nath Patel, Adv.  
 Mr. Mohd. Waquas, Adv.  
 Mr. Aditya Pratap Singh, Adv.

Karnataka	Mr. V.N. Raghupathy, Adv. Mr. Parikshit P. Angadi, Adv. Md. Apzal Ansari, Adv.
Kerala	Mr. G. Prakash, Adv. Mr. Jishnu M.L., Adv. Ms. Priyanka Prakash, Adv. Ms. Beena Prakash, Adv.
Maharashtra	Mr. Nishant R. Katneshwarkar, Adv. Ms. Deepa M. Kulkarni, Adv.
Meghalaya	Mr. Ranjan Mukherjee, AOR Mr. K.V. Kharlyngdoh, Adv.
Nagaland	Ms. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv. Mr. Z.H. Isaac Haiding, Adv.
Odisha	Mr. Sanjeeb Panigrahi, Adv. Mr. Abhishek Tripathi, Adv.
Rajasthan	Mr. S.S. Shamsery, AAG Mr. Amit Sharma, Adv. Mr. Sandeep Singh, Adv. Mr. Ankit Raj, Adv. Ms. Nidhi Jaswal, Adv. Ms. Ruchi Kohli, Adv.
Tripura	Mr. Shuvodeep Roy, AOR
Tamil Nadu	Mr. Raju Ramachandran, Sr. Adv. Mr. M. Yogesh Kanna, AOR Ms. Meha Aggarwal, Adv. Mr. S. Partha Sarathi, Adv.  Mr. B. Vinodh Kanna, Adv. Mr. A. Sriram, Adv.
U.P.	Ms. Rachna Gupta, Adv. Ms. Alka Sinha, Adv.
Uttarakhand	Mr. J.K. Sethi, Dy AG Mr. Ankur Prakash, Adv. Mr. Ashutosh Kumar Sharma, Adv.
West Bengal	Mr. Suhaan Mukerji, Adv. Ms. Astha Sharma, Adv. Mr. Harsh Hiroo Gursaan, Adv. Ms. Kajal Dalal, Adv. Mr. Abhishek Manchanda, Adv.
A&N	Ms. G. Indira, Adv.

Mr. Bhupesh Narula, Adv.  
Mr. K.V. Jagdishvaran, Adv.  
Ms. Aparna Bhat, AOR  
Ms. Anitha Shenoy, AOR  
Mr. Sridhar Potaraju, AOR  
Caveator-in-person  
Mr. K. V. Vijayakumar, AOR  
Mr. B. Balaji, AOR  
Mr. Annam D. N. Rao, AOR  
Mr. P. A. Noor Muhamed, AOR  
Mr. Parijat Sinha, AOR  
Mr. M. A. Krishna Moorthy, AOR  
Mr. Anil Shrivastav, AOR  
Mr. R. N. Keswani, AOR

UPON hearing the counsel the Court made the following  
O R D E R

We have seen the Plan of Action Report filed by the District Collector of the Nilgiris, Tamil Nadu.

For the time being, we are concerning ourselves with the resort complexes with restaurant (commercial buildings). A list of 39 such resort complexes with restaurant (commercial buildings) has been given in the Report of the Collector.

Learned counsel are present with regard to the following:

Mr. Salman Khurshid, learned senior counsel instructed by Mr. Manan Verma, learned counsel for the

resorts mentioned in Sl. Nos.1,2,3,6,7 and 9.

Ms. Tusharika Mattoo, learned counsel for the resort mentioned in Sl. No.4.

Mr. Sridhar Potaraju, learned counsel for the resort mentioned in Sl. No.10

Mr. S. Ravi Shankar, learned counsel for the resort mentioned in Sl. No.15.

Ms. Esha Krishn, learned counsel for the resort mentioned in Sl. Nos.20 and 25.

Mr. Zulfiker Ali P. S, learned counsel for the resort mentioned in Sl. No.24.

There is no one present on behalf of the remaining 27 resorts. It is deemed that they accept the Report of the Collector. The Report is to the effect that they are running commercial enterprises even though they do not have approval for the same. They are directed to be closed down or sealed by the Collector.

We have requested learned counsel for the State to do the needful within 48 hours.

So far as the above 12 resorts are concerned, we grant them 48 hours' time to produce all documents showing approval and valid title and possession for running resorts before the Collector. In case, the Collector finds that the documentation is incomplete or approval not granted, she should close down and seal the premises immediately thereafter.

For the remaining persons mentioned in the Report, necessary documents may be produced before the Collector for verification within a period of two months from today.

List the matters on 24<sup>th</sup> October, 2018.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER

PS: dasti

F. No. 6-3/2010-PE  
Government of India  
Ministry of Environment, Forest & Climate Change  
(Project Elephant Division)

\*\*\*\*\*

Indira Paryavan Bhawan,  
Jor Bagh Road, Aliganj  
New Delhi- 110003  
Date: 14.12.2021

To,

Principal Chief Conservator of Forests &  
Chief Wildlife Warden  
All PE range States/UTs

**Sub: Civil Appeal No. 3438-3439/2020, in the matter of Hospitality Association of  
Mudumalai Vs. In Defence of Environment and Animals & Ors.- reg.**

Sir,

The undersigned is hereby directed to bring to your notice that the Petitioners, in the above-cited subject matter had challenged the judgment of the Hon'ble High Court of Madras for upholding the validity of the Tamil Nadu Government Notification G.O.(Ms.) No. 125, dated 31.08.2010 (**Annexure- I**), which had notified an 'Elephant Corridor' in the Sigur Plateau of Nilgiris District. Following the passing of said Notification, the resort owners and other private land owners were directed to vacate the lands falling within the notified elephant corridor to the District Collector, Nilgiris within three months from the date of the judgment.

Hon'ble Supreme Court, vide its judgment dated 14.10.2020, while upholding the order of the Hon'ble High Court of Madras, recognized the importance of elephant corridors for protection and preservation of elephant species and stated:

*"... As forest lands continue to be lost, these relatively narrow and linear patches of vegetation form vital natural habitat linkages between larger forest patches. They allow elephants to move between secure habitat freely, without being*

*disturbed by humans."*

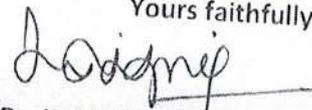
The Hon'ble Supreme Court further observed the following:-

*"Elephant corridors allow elephants to continue their nomadic mode of survival, despite shrinking forest cover, by facilitating travel between distinct forest habitats. Corridors are narrow and linear patches of forest which establish and facilitate connectivity across habitats. In the context of today's world, where habitat fragmentation has become increasingly common, these corridors play a crucial role in sustaining wildlife by reducing the impact of habitat isolations. In their absence, elephants would be unable to move freely, which would in turn affect many other animal species and the ecosystem balance of several wild habitats would be unalterably upset. It would also eventually lead to the local extinction of elephants, a species which is wildly revered in our country and across the world. To secure wild elephants' future, it is essential that we ensure their uninterrupted movement between different forest habitats. For this, elephant corridors must be protected."*

In view of the above stated observations iterated by the Hon'ble Supreme Court of India, the copy of the judgment is herewith attached (Annexure- II) along with this communication and submitted for your information and needful please.

Encl: As above

Yours faithfully



(Dr. K. Muthamizh Selvan)

Scientist 'D' (Project Elephant)

Email Id: km.selvan@gov.in

Telephone No.- 011-24695067



ABSTRACT

Wildlife - Formation of Elephant Corridor as per the direction of the High Court dated 3.12.2009 and 1.3.2010 in W.P. No.10098/2008 filed by Elephant Rajendran - Representations / objections filed by the petitioners against the formation of elephant corridor - Rejected - Confirmation for the safe and undisturbed passage of elephant Elephant Corridor as per the direction of High Court - Orders - Issued.

## ENVIRONMENT AND FORESTS (FR.5) DEPARTMENT

G.O.(Ms.) No.125

Dated: 31.08.2010

Read:

1. High Court, Madras order dated 30.9.2008 in W.P. No.10098 of 2009.
2. High Court, Madras order dated 3.12.2009 in W.P. No.10098 of 2009 and 2762
3. Government letter No.2805./FR.5/2009-15, dated 4.1.2010.
4. High Court, Madras order dated 11.1.2010.
5. High Court, Madras order dated 1.3.2010 in W.P. No.10098 of 2008.
6. From the Principal Chief Conservator of Forests letter No.WL5/24778/08, dated 26.05.2010.

## ORDER:

Thiru Elephant G. Rajendran has filed a W.P. No.10098/2008 before the Hon'ble High Court, Madras. In abidance with the High Court order fourth and fifth cited read above, the Principal Chief Conservator of Forests in the letter 6<sup>th</sup> read above has sent the proposal to the Government for passing final orders.

2. The elephant is a free and long ranging animal. On an average it may travel up to 20-40 kilometers in a day and, therefore, may require vast forested habitats having optimum habitat conditions to move and survive. The purpose of migrations is in search of food, water, seasonality compulsions and physical requirements. The elephants show strong fidelity to the routes used during their movements. Habitat fragmentation is one of the major threats to migratory mammals like Asian elephants, which with vast resource requirements, are among the worst affected. An elephant corridor is roughly defined as a narrow strip of land (having optimal tree cover and basic habitat requirements for elephants) of any length that stretch of forested (or otherwise) land that connects larger habitats (with elephant populations) and forms a conduit for animal movement between habitats. This movement helps to enhance species survival and birth rate. Elephants are known to stick to their migratory routes between their seasonal ranges through these corridors, which some times may be highly constricted. Any loss of area in the known

P.T.O.

corridors or other man made disturbances such as buildings, construction of new roads, changed agricultural practices and other disturbances will in all likelihood increase man-elephant conflicts, restrict the movements of elephants, which will be biologically and ecologically fatal to them. The loss of corridor will lead to greater conflicts and also cause the stress to the affected elephant populations. Due to alarming situations arising out of threats to corridors across the country due to rampant and unplanned development around the elephant regions, the Government of India (GOI) have been continuously pursuing with the States that all the identified elephant corridors in the States, inter-State and international elephant corridors between India and other geographically contiguous countries must be protected with a long term view to conserve the elephants in all the regions, where elephants are found. In the letter of 2009 addressed to all States the GOI had communicated a tentative list of identified 138 State corridors, 28 interstate corridors and 17 international corridors and asked the States to identify all elephant corridors in their respective States and take urgent steps to notify them under appropriate Acts. This also implied that the State Government is fully empowered to declare an Elephant Corridor and manage it as per the existing laws and regulations.

3. During the years 2008-2009 few Writ Petitions were filed in the Hon'ble High Court of Madras, (W.P.No.10098/2008 by one Thiru. Rajendran) seeking directions from the Hon'ble High Court to remove all encroachments, illegal constructions to restrain the local communities from practicing activities including agriculture along migratory routes that are harmful to the elephants, and notify the identified elephant corridors in the Sigur plateau of the Nilgiris District. The petitions also pleaded the Hon'ble Court to restrain man made disturbances such as agriculture, cattle rearing, grass cultivation, collection and transportation of minor forest produces in the villages abutting or in those that fall in the corridors.

4. In pursuance of the petitions the Hon'ble Court (October 2009), directed the State Government to constitute a team of experts from Environment and Forests Department with a mandate to study the Elephant Corridors in the said area vis-à-vis the following reports published on the subject of elephant corridors in the Nilgiris District, namely:-

- a) Ecology of the Asian Elephant.
- b) The Asian Elephant in Southern India.
- c) A brief documentation of Elephant Corridors in South India.

5. Accordingly a committee was constituted, comprising noted forestry and wildlife experts from the Forest Department including Principal Chief Conservator of Forests and Chief Wild Life Warden, Chief Conservator of Forests (TAP), Conservator of Forests, Coimbatore Circle, Conservator of Forests and Field Director, Mudumalai Tiger Reserve, Ooty, and the District Forest Officer, Nilgiris North, Ooty to assess the extent and vitality of the corridors and prepare a map on scientific lines.

6. The Committee in consultation with various elephant experts, NGOs, scientists, experienced retired senior forest officials, tribals and local communities in the field prepared a detailed map using latest GIS technology with adequate ground truthing in the field and proposed a single consolidated corridor and submitted to the Hon'ble Court.

7. The Court observed that the Government needed to make suitable intervention to ensure a disturbance free corridor for movements of elephants. However, in view of the representations made by different land holders and property owners in the region, the Hon'ble High Court in its order dated 3.12.2009 have issued the following directions:-

- (i) The State Government will have to decide as to which Elephant Corridor has to be identified
- (ii) The publication of such map showing the Elephant Corridor should be made through the Forest Department in two local Newspapers one in English and another in vernacular Tamil giving the details of Survey Nos. of private lands which are falling within the proposed Elephant Corridors. The persons may be asked to submit their objections within the time frame of one month.
- (iii) The intimation of such proposed Elephant Corridor along with a copy of the report of the Expert Committee should be also forwarded to each local Panchayat falling within the proposed Elephant Corridor so that the local persons can have the knowledge of the corridor on their own.
- (iv) No separate Individual hearing is required to be given to any person. Though a mass hearing may be given as generally given in the Land Acquisition cases and on hearing such objections, the proposed Elephant Corridor including the map containing different Survey Nos. should be finalized and published within a period of six months.
- (v) No individual or any Association should Intervene in the case. If they have any objection they may raise before the authorities concerned.
- (vi) On finalization of the Elephant Corridor it will be open for the State to decide whether the private lands falling within the Elephant Corridor that do not belong to Scheduled Tribes and other Traditional Forest Dwellers and who have a right under the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be acquired. If the decision is taken to acquire the lands regular procedure as laid down under the Land Acquisition Act has to be followed.
- (vii) If the State Government in the meantime want to take over the Management of the Private Forests it may do so in terms of Section 3 of the Tamil Nadu Private Forests (Assumption of Management) Act of 1961 so as to enable the elephants to pass through the Corridor without any hindrance till the lands are acquired.
- (viii) This Interim Order to remove unauthorized solar fencing will equally be applicable to the Tribals and other Traditional Forest Dwellers.

- (ix) As per the High Court Order dated 1.12.2009 in Writ Petition Nos. 32747/2007 and 28693/2008, all unauthorized constructions made on the private lands, private forest lands, etc., will be removed by the District Collector, The Nilgiris. Further if there is any unauthorized commercial buildings including resorts some of which are also used for commercial purposes which had been given electricity connection as residential houses, the Tamil Nadu Electricity Board will ensure disconnection of power supply to such premises.

8. Accordingly, a public notice was issued on 7.1.2010 along with the maps of proposed corridor and relevant documents in all 4 villages, e.g., Sholur, Masinagudi, Hullathi and Kadanadu that were likely to be affected by the proposed corridor. In response to the public notice issued petitions were received.

9. The notice was published by the District Forest Officer, Nilgiris North Division, Cooty with all due procedures and the guidelines have been meticulously followed. The public notice was displayed on public places along with the map and other documents that were given to the panchayats of the 4 villages in question. Public hearings were held on 8.2.2010 at 9.30 A.M. at Forest Anti poaching camp near Segur Bridge, Kalhatti Masingudi Road for Sholur village on 8.2.2010 at 11.30 A.M. at Forest Rest House (log House) Masinagudi for Masinagudi Village and on 8.2.2010 at 2.30 P.M. at Forest Rest House. The PCCF and CWW constituted a Petitions Committee of experienced and competent officials to examine 640 petitions, received at the public hearing and the through mail. The Committee went through each and every petition and listed out the major objections raised in each of them.

10. All the objections were examined, thoroughly. It has been ensured that the intention of the Government is to notify the corridor for a safe and undisturbed passage of elephants so that their genetic dispersal could be ensured for long survival. The Elephant Corridor has to be necessarily notified as a management activity on the part of Forest Department without infringing on the Rights of the people living in the Corridor. Further as per the instruction of the Government of India to identify, demarcate and protect and conserve the elephant corridors in each and every State, concerted action has to be taken to notify the elephant corridor. The Hon'ble High Court has also issued directions to consider the representations and objections filed by the Public and pass appropriate orders in accordance with Law.

11. The Government have carefully and independently examined all the representations and objections made by the public along with the Expert Committee Report and the original records with the relevant Act and Rules in detail and considered that all the representations and objections made by the applicants are without merit. (Annexure.I). The Government therefore reject the petitions and objections made by the public against the formation of elephant corridor.

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12. The Government also confirm the elephant corridor map published in the two local dailies one in English (i.e.) "The Hindu" and the other in vernacular (i.e.) Tamil "Dina Thanthi" respectively on 6.1.2010 and 7.1.2010 in compliance with the orders of the Hon'ble High Court, Chennai dated 3.12.2009 in W.P. No. 10098/2008. The boundary description of the elephant corridor is furnished in Annexure.II. The lands falling within the boundary description form the elephant corridor. The list of the survey numbers falling within the elephant corridor is in Annexure.III.

13. The Government direct the Principal Chief Conservator of Forests to publish the final elephant corridor in the cadastral map prepared by the Expert Committee along with the Survey numbers of private lands which are falling within the proposed elephant corridor. The Principal Chief Conservator of Forests is also directed to communicate the Government order to all the petitioners.

(BY ORDER OF THE GOVERNOR)

DEBENDRANATH SARANGI  
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

To  
The Principal Chief Conservator of Forests, Chennai-15  
The Principal Chief Conservator of Forests and Chief Wildlife Warden, Chennai-15  
The District Collector, The Nilgiris District.  
The Secretary to Government, Law Department, Chennai-9  
The Principal Secretary to Government, Finance Department, Chennai - 9.  
The Principal Secretary to Government, Revenue department, Chennai - 9.  
The Special Government Pleader, High Court, Chennai  
The Legal Officer, O/o. the Principal Chief Conservator of Forests, Chennai-15.  
The Private Secretary to Additional Chief Secretary to Government, Environment and Forests Department, Chennai-9  
SF/SCs.

/FORWARDED BY ORDER/

  
SECTION OFFICER

**REPORTABLE**

**IN THE SUPREME COURT OF INDIA**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NOS.3438-3439 OF 2020**

**(Arising out of S.L.P. (C) Nos.17313-17314 of 2011)**

HOSPITALITY ASSOCIATION OF MUDUMALAI ..... APPELLANT(S)

VERSUS

IN DEFENCE OF ENVIRONMENT AND  
ANIMALS AND ORS. ETC.

.....RESPONDENT(S)

WITH

Civil Appeal No.3437 of 2020  
SLP (C) No. 20154 of 2011

Civil Appeal No.3440 of 2020  
SLP (C) No. 21460 of 2011

Civil Appeal Nos.3442-3443 of 2020  
SLP (C) Nos. 21463-21464 of 2011

Civil Appeal No.3444 of 2020  
SLP (C) No. 21461 of 2011

Civil Appeal No.3445 of 2020  
SLP (C) No. 16668 of 2011

Civil Appeal No.3447 of 2020  
SLP (C) No. 17160 of 2011

Civil Appeal Nos.3448-3449 of 2020  
SLP (C) Nos. 17155-17156 of 2011

Civil Appeal Nos.3450-51 of 2020  
SLP (C) Nos. 17150-17151 of 2011

Civil Appeal No.3446 of 2020  
SLP (C) No. 21480 of 2011

Civil Appeal No.3452 of 2020  
SLP (C) No. 21467 of 2011

Civil Appeal No.3453 of 2020  
SLP (C) No. 21472 of 2011

Civil Appeal No.3454 of 2020  
SLP (C) No. 21477 of 2011

Civil Appeal No.3455 of 2020  
SLP (C) No. 21478 of 2011

Civil Appeal No.3456 of 2020  
SLP (C) No. 21470 of 2011

Civil Appeal No.3457 of 2020  
SLP (C) No. 21468 of 2011

Civil Appeal No.3458 of 2020  
SLP (C) No. 21469 of 2011

Civil Appeal No.3459 of 2020  
SLP (C) No. 24826 of 2011

Civil Appeal No.3460 of 2020  
SLP (C) No. 19112 of 2011

Civil Appeal No.3461 of 2020  
SLP (C) No. 25010 of 2011

Civil Appeal No.3462 of 2020  
SLP (C) No. 31581 of 2011

Civil Appeal No.3463 of 2020  
SLP (C) No. 35559 of 2013

Civil Appeal No.3464 of 2020  
SLP (C) No. 30535 of 2011

Civil Appeal No.3465 of 2020  
SLP (C) No. 35644 of 2013

Civil Appeal No.3466 of 2020  
SLP (C) No. 30536 of 2011

Civil Appeal No.3467 of 2020  
SLP (C) No. 9305 of 2012

Civil Appeal No.3468 of 2020  
SLP (C) No(s).12388 of 2020  
(arising out of SLP(C)....CC No. 5278 of 2012)

Civil Appeal No.3469 of 2020  
SLP (C) No(s).12389 of 2020  
(arising out of SLP (C)...CC No. 5312 of 2012)

Civil Appeal No.3476 of 2020  
SLP (C) No. 5176 of 2012

Civil Appeal No.3477 of 2020  
SLP (C) No. 2666 of 2012

Civil Appeal No.3470 of 2020  
SLP (C) No. 7619 of 2012

Civil Appeal No.3471-3472 of 2020  
SLP (C) No(s).21390-21391 of 2020  
(arising out of SLP(C)....CC No.5161 of 2012)

Civil Appeal No.3473 of 2020  
SLP (C) No. 37332 of 2013

Civil Appeal Nos.3475 of 2020  
SLP (C) No(s).12393 of 2020  
(arising out of SLP(C)....Diary No. 16319 of 2017)

Civil Appeal No.3474 of 2020  
SLP (C) No(s).12392 of 2020  
(arising out of SLP(C).... CC No.9201 of 2012)

## **J U D G M E N T**

**S. ABDUL NAZEER, J.**

1. Leave granted.
2. The appellants in these appeals have assailed the final judgment and order dated 07.04.2011 of the High Court of Judicature at Madras, passed in Writ Petition (PIL) No. 10098 of 2008 along with several other writ petitions including Review Application No. 131 of 2010 and Writ Petition No. 23939 of 2010 filed by the Hospitality Association of Mudumalai. The High Court by the impugned judgment has upheld the validity of the Tamil Nadu Government Notification G.O.(Ms.) No. 125, dated

31.08.2010 which had notified an 'Elephant Corridor' in the Sigur Plateau of Nilgiris District and has further directed resort owners and other private land owners to vacate and hand over the vacant possession of the lands falling within the notified elephant corridor to the District Collector, Nilgiris within three months from the date of the judgment.

3. The appellant in Civil Appeal Nos.3438-3439 of 2020 (arising out of SLP (C) Nos.17313-17314 of 2011), is the Hospitality Association of Mudumalai, registered under the Tamil Nadu Societies Registration Act, 1975, situated in the Nilgiris District of Tamil Nadu. The members of this association have established resorts/guest houses in the Nilgiris forest area. The other appellants are either the owners of the resorts/guest houses or the owners of the lands in and around the Nilgiris forest area. Some of them have built dwelling houses on their lands, some of them have encroached upon government lands and put up constructions thereon and some of them are cultivating the said lands.

4. Before referring to the proceedings before the High Court and this Court, as well as the submissions made by the learned

counsel for the parties, it would be helpful to refer to the background facts and the prevailing ecological context in which the impugned G.O. was notified.

#### **A. BACKGROUND**

5. Despite being a figure of traditional cultural reverence, today the elephant species is severally threatened in India. The crux of the problem is one that affects all wildlife in the country: land. As India's human population has grown exponentially in the past several decades, so has its demand for resources. At its essence, that demand boils down to the requirement for more land - for agriculture to grow more food and for construction of roads, dams, mines, railways and housing. This demand for land has led to the degradation and fragmentation of the country's forest cover. The elephant, being a large agrarian animal, may weigh up to 4-5 tons and requires about 200-300 kgs. of fodder comprising of various plant species daily. It, therefore, needs large areas, which it uses by rotation, so that it may not overgraze an area and in the process destruct it altogether. This allows the natural vegetation of the habitats a chance to re-generate.

6. However, the ever-growing need for land, infrastructure and energy requirements of our large population have slowly fragmented the elephant's natural spaces which are now surrounded by human habitation, agriculture, mining, roads and railways. The more forest habitat is fragmented, the farther an elephant herd has to roam in search of food and water. Increasingly, elephants have to move farther and farther afield, even from one forest area to another, often through small patches of forests called corridors. As forest lands continue to be lost, these relatively narrow and linear patches of vegetation form vital natural habitat linkages between larger forest patches. They allow elephants to move between secure habitats freely, without being disturbed by humans. Further, elephants are genetically programmed by nature to never inbreed within their birth family and thus need to move around between gene pools to reproduce. These corridors aid this process by helping different elephant populations to intermingle, which is essential for retaining the vigour of the species and ensuring its long-term survival. By

identifying and nurturing such corridors, deadly confrontations between humans and elephants can be avoided, in addition to safeguarding the welfare of the wildlife. Unfortunately, in most areas, the existing corridors are repeatedly being destroyed which will block migration routes of the elephants and would result in the fragmentation of the habitats as well as increased human-elephant conflict.

7. To prevent such conflict and protect elephants, the Government of India through the then Ministry of Environment and Forests launched a centrally sponsored scheme 'Project Elephant' to provide financial and technical support to the wildlife management efforts by States for their free ranging populations of wild elephants. The 'Project Elephant' document was released in the year 1993. It admits that elephants are facing serious threat due to large scale destruction and fragmentation of their habitat due to increase in human and cattle populations, felling of natural forest and replacing them with single species, commercial plantation, excessive grazing, forest fires and shifting cultivation, destruction or capture for crop raiding, human killings,

encroachments and man-made barriers/destructions such as roads, railway lines, dams, canals, tea gardens, agriculture and industry etc. The 'Project Elephant' was to provide financial and technical support to major elephant bearing States in the country. The project aims to ensure long term survival of viable conservation reliant population of elephants in their natural habitats by protecting the elephants, their habitats and migration corridors. Other goals of the 'Project Elephant' are addressing issues of human-animal conflict and providing for welfare of captive elephants. The main activities under this project include the following:

1. Ecological restoration of existing natural habitats and migratory routes of elephants;
2. Development of scientific management planning for conservation of elephant habitats and viable elephant populations in India;
3. Promotion of measures for mitigation of human-elephant conflict in crucial habitats;

4. Moderating impact of human and domestic livestock activities in crucial elephant habitats;
5. Strengthening of measures for protection of wild elephants from poachers and unnatural causes of death;
6. Research on elephant management related issues;
7. Public conservation education and awareness programmes about elephants;
8. Eco-development of elephant habitats; and
9. Provision of improved veterinary care for elephants.

8. Specifically in the context of elephant preservation in Tamil Nadu, on 14.06.2006, the State's Principal Chief Conservator of Forests and Chief Wildlife Warden ('**PCCF**') had requested that the private/patta lands forming the traditional movement corridors of elephants between the Mudumalai Wildlife Sanctuary and National Park to other parts and also between Eastern and Western Ghats be brought under the control of the Forest Department, by acquiring the lands after paying compensation to the owners. The PCCF had highlighted the use of these patches of private forest land, which serve as vital migratory routes, for non-

forestry use as a serious threat to free movement of elephants. The PCCF addressed another letter dated 6.11.2006 to the State Government, proposing the Survey Nos. of the patta land to be acquired for the purpose of the elephant corridors. Similarly, the Ministry of Environment and Forests, Government of India, by its letter dated 11.08.2006 to the State Government of Tamil Nadu had noted that 88 elephant corridors had been identified by the Wildlife Trust of India's book titled "Right of Passage - Elephant Corridors of India" and requested that necessary action be taken for notification and protection of the elephant corridors situated in Tamil Nadu, as identified in the aforesaid publication.

9. Pursuant to this communication, the Government of Tamil Nadu issued a Government Order dated 21.08.2007, appointing an Exploratory Committee with Collector of Nilgiris as the Chairman and four other members consisting of District Forest Officer, Nilgiris North Division, Wildlife Warden, Ooty, Officer of the Revenue Department, Ooty and the concerned Tehsildar. This Committee was constituted for exploring the possibility of acquiring the patta lands with the willingness of farmers who could spare their lands for acquisition for elephant corridors.

**B. Proceedings before the Madras High Court**

10. During this period, an organization called 'In Defence of Environment and Animals', represented by its Managing Trustee 'Elephant' G. Rajendran, filed Writ Petition No. 10098 of 2008 before the Madras High Court seeking issuance of a Writ of Mandamus directing the official respondents therein to keep the elephant corridors free from encroachment and to prevent any other disturbances to the free movement of elephants and other animals. It was the specific case of the petitioner therein that the elephant corridor was being disturbed by some encroachers and builders. Due to mushrooming of resorts, elephant corridors were either closed or becoming narrow. It was further contended that the Forest Department had not taken any stringent action to evict the encroachers from the elephant corridor. On 02.02.2009, the High Court passed an interim direction to the District Collector, Nilgiris to file a status report showing the steps taken to remove the encroachers from the lands falling under the elephant corridor.

11. Certain other writ petitions were filed by the Schedule Tribes and other Traditional Forest Dwellers contending that they were

not encroachers and that they had a right to occupy the land in question under the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. It was further contended that on the strength of the order dated 02.02.2009 in Writ Petition No.10098 of 2008, the District Collector had directed them to stop the cultivation of these lands and that they were being prevented from collection of minor forest produce and grazing their cattle. These writ petitions were clubbed together for hearing before the Madras High Court.

12. At this stage, Hospitality Association of Mudumalai, the appellant herein, filed an impleadment application in the said case. It was contended that this association consisted of residents of the Masingudi Bokkapuram area and that they had been providing hospitality services to tourists who visit the area to see the wildlife and that there was a misguided sense of hostility towards the people who own and run guest houses in this area from the authorities and self-proclaimed environmentalists dwelling outside the area. It was also contended that the members of the said association had been living in the said area

for more than 50-60 years and that there had been virtually no human-animal conflict in the area since there is little to no agriculture and the elephants can freely move around throughout the area.

13. During the course of hearing, the District Forest Officer of Nilgiris North Division made a presentation before the High Court to highlight the importance of the forests and corridors in the region. The District Collector, Nilgiris also appeared before the High Court and showed certain slides on his computer depicting a map of the corridor of elephants. He stated that to allow the elephants to pass through the corridor, the unauthorized occupants had to be evicted. Similarly, the State's PCCF also made submissions before the High Court to highlight the necessity of preservation of the elephant corridor by acquisition of patta lands. Considering the rival contentions of the parties, on 30.09.2008, the High Court issued the following directions:

*“(i) forest department, which has the knowledge of movement of elephant in the corridor, may identify and inform the same;*

- (ii) *the State Government may publish the information regarding the elephant corridor and the area, in leading newspapers and also by drum beating/tom tom, calling for objections of locals, if any, in the area in question;*
- (iii) *after hearing the locals, particularly those who may be affected, they may finalize the elephant corridor from which unauthorized occupants are to be evicted;*
- (iv) *to ensure that schedule tribes and other forest traditional dwellers are not affected, it is required to identify the other traditional forest dwellers in terms with Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Tribes) Rules, 2007;*
- (v) *only after the recommendation and recording their names in the appropriate register, they may proceed with eviction, by giving notice in the newspaper, by drum beating/tom tom and by giving individual notice to the unauthorised occupants.*

(vi) *So far as the acquisition of the land is concerned, if any private land is required to be acquired, they will have to follow the procedure under the Land Acquisition Act. Prima facie, as the tribals and other forest dwellers cannot be evicted from the unauthorized lands, their lands need not be required to be acquired, if it is a forest land. Learned counsel for the parties are requested to give further suggestion in the matter, in the interest of public and elephants."*

14. Since there was opposition to the map prepared by the District Collector by the contesting parties, the Court felt it necessary that a team of experts of the Environment and Forest Department be constituted to identify the elephant corridor and submit a report after taking into consideration different books published with regard to elephant corridors.

15. In pursuance of the directions of the High Court, an Expert Committee was constituted by the Government. The Expert Committee visited the elephant corridor area in the Nilgiris twice, enquired with the field officers and tribals of the area and

obtained opinions from experts before submitting its report on 04.11.2009. A map of the elephant corridor in the Sigur Plateau in Nilgiris region was also filed by the said expert Committee before the High Court. Noting that the State Government was responsible for notifying elephant corridors within its territory, the High Court on 01.12.2009 directed the State Government to choose one of the maps for the elephant corridor out of either the one identified by the Expert Committee or the one identified by the Wildlife Trust of India's publication "Right of Passage - Elephant Corridors of India", which was referred to in the Central Government's abovementioned letter dated 11.08.2006. This order also directed the State Government to file an affidavit disclosing the actions it intends to take against resort owners and residents of the elephant corridor. In accordance with the High Court's directions, the State Government came forward with a decision that it will ensure that no illegal construction takes place in the area shown as 'elephant corridor' in the report of the Expert Committee and that no person will be allowed to put up fresh solar/electrical fencing within the proposed area of the elephant corridor. Taking

into account the materials on record, the High Court passed a fresh order dated 03.12.2009 as under:

- “(i) The State Government will have to decide as to which Elephant Corridor has to be identified, i.e. corridor identified by the Central Government in the letter dated 11.08.2006, with the help of the State Forest Department and NGOs, or the proposed Elephant Corridor as identified by the Expert Committee in the present cases, preferably within one month.*
- (ii) The publication of such map showing the Elephant Corridor, should be made by the State through the Forest Department, in two local newspapers, one in English and another in vernacular Tamil, giving the details of Survey Numbers of private lands which are falling within the proposed Elephant Corridor. The persons may be asked to submit their objections within a time frame, say one month.*

*(iii) The intimation of such proposed Elephant Corridor along with a copy of the report of the Expert Committee, should be also forwarded to each local Panchayats, which fall within the proposed Elephant Corridor, so that the local persons can have the knowledge of the corridor of their own, if they so choose.*

*(iv) No separate individual hearing is required to be given to any person, though a mass hearing may be given as generally given in the "Land Acquisition" cases and on hearing such objections, the proposed Elephant Corridor including the map containing the different Survey Numbers should be finalized and be also published at an early date, say maximum within six months.*

*(v) No individual or any Association generally should intervene in the case. If they have any objection, they may raise before the authorities concerned.*

*23. On such finalization, it will be open for the State to decide:*

- (a) *Whether the private lands which are falling within the Elephant Corridor, do not belong to Schedule Tribe and other traditional forest dwellers, who have a right under the provisions of the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and whether such lands should be acquired. If the decision is taken to acquire the lands, they will follow the regular procedures as laid down under the provisions of the Land Acquisition Act.*
- (b) *If the State Government, in the meantime, wants to take over the management of the private forest, it may do so in terms of Section 3 of the Tamil Nadu Private Forest (Assumption of Management) Act (LV of 1961), so as to enable the elephants to pass through the corridor without any hindrance till the lands are acquired."*

16. Here, it may be noted that the aforesaid order of 03.12.2009 passed by the High Court was challenged before this Court through Special Leave Petition (Civil) Nos. 14416-14422 of 2010 which was disposed vide order dated 30.04.2010 in the following terms:

*"Permission to file special leave petitions is granted.*

*Delay condoned.*

*Heard learned counsel for the petitioner and learned counsel for respondent no.1.*

*The learned counsel for the petitioner contends that if proposed Elephant Corridors established, the petitioner would be seriously effected as his land falls in that area.*

*The petitioner would be at liberty to approach the Committee which is likely to finalize the Elephant Corridors and also would be at liberty to approach the High Court and seek intervention proceedings though the division Bench has already indicated under other proceeding that no intervention is allowed.*

*With the above directions, the special leave petitions are disposed of."*

17. In pursuance of the directions of the High Court, the State Forest Department issued a public notice dated 07.01.2010,

thereby publishing a proposed elephant corridor, as identified by the Expert Committee, and requiring the persons whose private lands are falling within the proposed corridor to submit objections. Public hearings were also held by the authorities concerned and the objections raised by various persons were rejected. Thereafter, the State Government issued the impugned G.O., thereby confirming the elephant corridor map as published on 07.01.2010 and also specifying the boundaries of the elephant corridor and the Survey Nos. falling within the said corridor.

18. Several writ petitions were filed before the High Court challenging the impugned G.O. These were clubbed with the other pending writ petitions and PIL and came to be decided by the High Court's impugned order dated 07.04.2011.

19. The High Court rejected the appellant's contentions regarding the propriety of constitution of the Expert Committee given that the Wildlife (Protection) Act, 1972 ('**Wildlife Act**') does not envisage the same and rather provides for constitution of State and National Boards for Wildlife. It was held that the Expert Committee's mandate did not impinge upon that of the Boards

under the Wildlife Act. The High Court also did not find merit in the appellant's contention that the State Government lacked the power to notify an elephant corridor. For this, the High Court relied upon Entries 17A 'Forest' and 17B 'Protection of wild animals and birds' in the concurrent list and the power of the State Government to notify Sanctuaries, National Parks, Conservation Reserves and Community Reserves under Chapter IV of the Wildlife Act.

20. Before the High Court, the appellant had also contended that the impugned G.O. sought to create an "artificial corridor" in an area through which elephants do not traditionally pass. In rejecting this contention, the High Court held that the material on record clinchingly showed that the animals were already moving through the said area. The High Court observed that the appellant and others have constructed holiday resorts and are carrying on commercial activities in the area despite only holding permissions for construction of dwelling houses. The mushrooming of such resorts, which were bounded by electric fencing and barbed wires, had severally restricted the movement of elephants and caused an increase in incidents of human-elephant conflict. Accordingly,

the High Court passed the following directions which are under challenge before us:

*"The resort owners and other private land owners are directed to vacate and hand over the vacant possession of the lands falling within the notified 'elephant corridor' to the District Collector, Nilgiris within three months from today. In the meanwhile, the Government of Tamil Nadu is permitted to go on with the implementation of the project as has been notified in G.O.M.s. No. 125, dated 31.08.2010, in the best interest of the wildlife, particularly elephants so as to notify and improve the elephant corridor."*

21. The High Court also directed the State to strictly adhere with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and in case any forest dwellers are evicted from the elephant corridor, they be provided alternate accommodation or compensation as per the procedure contemplated under law.

22. A Review Application No. 157 of 2011 was filed against the above decision of the High Court. The same was dismissed by the

High Court vide its order dated 16.11.2011 on the ground that the impugned judgement was a reasoned order which did not suffer from any error apparent on the face of the record.

### **C. Proceedings before this Court**

23. During the pendency of the present appeals, this Court was informed that large scale construction was underway in the elephant corridor in Tamil Nadu. In its order dated 12.07.2018, this Court had made it clear that no construction is allowed in the elephant corridor in Tamil Nadu and directed District Collector, Nilgiris to prepare and present a plan of action on how to identify the constructions that have been made, when they have been made and for what purpose the constructions are being utilized. This plan of action was to be with respect to the elephant corridors as mentioned in the Report of the Elephant Task Force titled "Gajah" as well as the elephant corridor as notified by the impugned G.O.

24. In compliance with this order, the District Collector, Nilgiris filed a Plan of Acton Report which identified the following constructions in the elephant corridor areas:

<b>Sl. No.</b>	<b>Nature of the construction</b>	<b>Total number of constructions</b>
01.	Total No. of Buildings within Resort Complexes (numbering 39)	309
02.	Houses	390
03.	Other Common Buildings (Schools, Water Tank, Community Halls, Temple, Public Toilet etc.)	27
04.	No. of Estates/Plantations	9
05.	No. of Cultivation Fields	77
06.	Other Constructions	9
<b>Total</b>		<b>821</b>

Specifically in respect of the resorts, the District Collector submitted that all 39 of them were operating illegally as 27 of them had obtained approvals only for residential purpose whereas 12 of them had not obtained any approval at all.

25. At the next hearing on 09.08.2018, this Court noted that only advocates on behalf 12 out of the 39 resorts were present before the Court and thus deemed that the remaining 27 resorts had accepted the Collector's above-mentioned report. Accordingly, this Court directed that these 27 resorts be closed down/sealed by the Collector and granted 48 hours to the other 12 resorts to produce documents showing approvals and title for running of

their resorts before the Collector. If the Collector were to find the documentation incomplete, she was directed to immediately close down/seal the premises. Further, the non-resort dwellers who were identified by the Collector's report to be occupying land in the corridor area, were granted a period of 2 months to produce necessary documents for verification before the Collector.

26. Thereafter, the District Collector, Nilgiris filed an Action Taken Report dated 23.10.2018 stating that 27 resorts had been sealed as per this Court's above direction and documents were received from the other 12 resorts. The Collector submitted that out of these 12 resorts, only 1 resort owner could show proof of use of his premises for residential purpose while the remaining 11 resort owners did not have valid documents. Accordingly, these 11 resorts were also sealed by the Collector in accordance with the above order of this Court. In this Report, the Collector additionally highlighted that the Forest Department had directed the sealed resorts to remove solar, electric and barbed wire fences erected around their premises as the same hinder the free movement of elephants in the corridor. However, only a few of the

resort owners had complied with the Forest Department's directive. In this connection, on 24.10.2018, this Court directed that electric fences and barbed wire, wherever installed by the resort owners, should be removed immediately. The District Collector, Nilgiris filed another Action Taken Report dated 29.11.2018 reporting that she had ensured removal of electric fences and barbed wire from the premises of the aforesaid resorts in the corridor area.

27. During this time, in addition to the 12 resorts which were initially represented before this Court, several other owners of resorts/guest houses as well as the owners of cultivated lands, dwelling houses and other constructions in and around the elephant corridor area have sought to be impleaded before us, being aggrieved by the actions of the District Collector, Nilgiris and also the impugned High Court decision.

#### **D. Contentions of the Parties**

28. Appearing for the appellants, Shri Salman Khurshid, learned Senior Counsel argues that the appellants' lands do not fall within an elephant corridor and that the area notified under the

impugned G.O. does not fall within any scientifically recognized elephant corridor and seeks to cover areas which are not traversed by elephants. It is further contended that the identification of elephant corridors is a scientific process and that the impugned G.O., which was issued in pursuance of the recommendations of the Expert Committee appointed by the High Court, was erroneous and untenable in law. The resort owners claim that they run small resorts which are compatible with the environment and are essentially for tourists who want to be close to nature and wildlife. It is also asserted that these resorts help tourists acquire sensitivity towards animals and the environment, while preventing any exploitation or damage by their presence. Some of the other appellants have also contended that their lands do not fall within the elephant corridor from which the removal of encroachment was sought.

29. It is further argued that the areas which have been notified as elephant corridor by the State Government through the impugned G.O., are in variance with all authoritative studies on historic elephant corridors in Sigur Plateau from 1972 till date. It is

also submitted that there is a variance in acreage between the recommendations of the Expert Committee formed by the High Court and the impugned G.O. issued by the State Government. It is contended that the unilateral addition and deletion of private/Government lands in the said G.O. is arbitrary and illegal. The expansion of the corridor areas under the G.O. amounts to creation of a new elephant corridor which does not presently exist and the same is unlawful.

30. Learned counsel for some of the other appellants have made similar submissions. It was argued that the lands of the appellants do not fall within the elephant corridor. It was also argued that the Plan of Action Report filed by the District Collector, Nilgiris before this Court is clearly fallacious and the actions of the District Collector in pursuance thereof are illegal. Some of the appellants have further alleged that the District Collector, Nilgiris has illegally removed fencing from establishments outside the notified elephant corridor area as well.

31. On the other hand, learned advocate appearing for the contesting respondents, has sought to justify the impugned

judgment of the High Court, so also the Plan of Action Report and Action Taken Reports filed by the District Collector, Nilgiris.

32. Learned advocate appearing as Amicus Curiae has supported the submissions of the contesting respondents and the Reports submitted by the District Collector, Nilgiris.

### **E. Our Analysis**

33. We have carefully considered the submissions of the learned counsel made at the Bar and perused the materials on record.

34. At the very outset, it must be noted that the Wildlife Trust of India terms elephants as a “keystone species” because their nomadic behavior is immensely important to the environment. Herds of roaming elephants play several important roles in the ecosystem:

- (i) Landscape architects: Elephants create clearings in the forest as they move about, preventing the overgrowth of certain plant species and allowing space for the regeneration of others, which in turn provide sustenance to other herbivorous animals.

- (ii) Seed dispersal: Elephants eat plants, fruits and seeds, releasing the seeds when they defecate in other places as they travel. This allows for the distribution of various plant species, which benefits biodiversity.
- (iii) Nutrition: Elephant dung provides nourishment to plants and animals and acts as a breeding ground for insects.
- (iv) Food chain: Apex predators like tigers will sometimes hunt young elephants. Further, elephant carcasses provide food for other animals.
- (v) The umbrella effect: By preserving a large area for elephants to roam freely, one provides a suitable habitat for many other animal and plant species of an ecosystem.

Elephant corridors allow elephants to continue their nomadic mode of survival, despite shrinking forest cover, by facilitating travel between distinct forest habitats. Corridors are narrow and linear patches of forest which establish and facilitate connectivity across habitats. In the context of today's world, where habitat fragmentation has become increasingly common, these corridors

play a crucial role in sustaining wildlife by reducing the impact of habitat isolations. In their absence, elephants would be unable to move freely, which would in turn affect many other animal species and the ecosystem balance of several wild habitats would be unalterably upset. It would also eventually lead to the local extinction of elephants, a species which is widely revered in our country and across the world. To secure wild elephants' future, it is essential that we ensure their uninterrupted movement between different forest habitats. For this, elephant corridors must be protected.

35. Legal intervention in preservation of these corridors has been necessitated because wildlife corridors are threatened by various social, economic and anthropogenic factors, as noted above. Commercial activities such as running of private resorts and construction of new buildings with barbed and electric fences within elephant corridors pose a serious threat of fragmentation and destruction of habitats. The long-term survival of the species depends on maintaining viable habitats and connecting corridors which maintain variance in the species' gene pool and avoid other

risks associated with habitat fragmentation and isolation of species.

36. Overtime, several environmental legislations including the Indian Forest Act, 1927 and the Wildlife Act have been enacted to provide for the protection of forests and wild animals, with a view to ensuring ecological balance and preserving natural habitats including such corridors. The object of the Wildlife Act was interpreted emphatically by this Court in ***State of Bihar v. Murad Ali Khan***<sup>1</sup> in the following terms:

*"8. ... The policy and object of the Wild Life laws have a long history and are the result of an increasing awareness of the compelling need to restore the serious ecological-imbances introduced by the depredations inflicted on nature by man. The state to which the ecological imbalances and the consequent environmental damage have reached is so alarming that unless immediate, determined and effective steps were taken, the damage might become irreversible.*

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<sup>1</sup> 1988 (4) SCC 655

*The preservation of the fauna and flora some species of which are getting extinct at an alarming rate, has been a great and urgent necessity for the survival of humanity and these laws reflect a last-ditch battle for the restoration, in part at least, a grave situation emerging from a long history of callous insensitiveness to the enormity of the risks to mankind that go with the deterioration of environment.*

xxx

xxx

xxx

10. ... *Environmentalists' conception of the ecological balance in nature is based on the fundamental concept that nature is "a series of complex biotic communities of which a man is an inter-dependant part" and that it should not be given to a part to trespass and diminish the whole. The largest single factor in the depletion of the wealth of animal life in nature has been the "civilized man" operating directly through excessive commercial hunting or, more disastrously, indirectly through invading or destroying natural habitats."*
37. Specifically in issue before us, is the corridor in the Sigur Plateau of Tamil Nadu. It connects the Western and the Eastern

Ghats and sustains elephant populations and their genetic diversity. The Sigur Plateau has the Nilgiri Hills on its south-western side and the Moyar River Valley on its north-eastern side. Depending on the monsoon, the elephants migrate in search of food and water and during the course of their migration, they have to cross the Sigur Plateau. This migratory path is considered to be very crucial as it connects several contiguous forest areas forming the Nilgiri Biosphere Reserve in the states of Tamil Nadu, Karnataka and Kerala, the largest protected forest area in India.

38. Conflicting maps of this corridor were presented before the Madras High Court, which thus directed the State Government to choose between: (i) the elephant corridors identified in the Wildlife Trust of India's book titled "Right of Passage - Elephant Corridors of India" which were referred to by the Central Government in its letter dated 11.08.2006 to the State Government; or (ii) the single elephant corridor identified by the Expert Committee appointed by the High Court. As per the aforesaid book titled "Right of Passage", the following 4 corridors lie in the Sigur Plateau region: (i) Avarahalla - Sigur, (ii) Kalhatti -

Sigur at Glencorin, (iii) Moyar - Avarahalla and (iv) Kalmalai - Singara and Avarahalla. The Expert Committee examined all the elephant corridors in the area and identified a single elephant corridor comprising of various elephant corridors in the Sigur Plateau region. The State Government, vide the impugned G.O., notified this single elephant corridor, along the lines of the recommendations made by the Expert Committee.

39. The first limb of the appellants' contentions before us is that there is no statutory power for creating/recognition of new corridors by the State Government. We do not find merit in this argument and, in principle, are in agreement with the findings of the High Court regarding the power of the State Government to take measures, including issuance of the impugned G.O., for protection of wildlife in Tamil Nadu. It is undeniable that the State Government is empowered to take measures to protect forests and wildlife falling within its territory in light of Entries 17A 'Forest' and 17B 'Protection of wild animals and birds' in the concurrent list and the power of the State Government under the Wildlife Act to notify Sanctuaries and other protected areas. It is an admitted position that the land of the appellants has also been

notified as private forest in 1991 under the Tamil Nadu Preservation of Private Forests Act, 1949, which prohibits cutting of trees in private forests. Our attention has also been drawn to the decision of this Court in ***T.N. Godavaraman Thirumulkpad v. Union of India***<sup>2</sup> wherein felling of trees in the state of Tamil Nadu was prohibited in all forests, including forests situated in privately owned lands. The contesting respondents have argued that the construction of the appellants' resorts must have necessarily run afoul of the above decision of this Court. Without commenting on the factual accuracy of this assertion, given that the classification of the appellants' land as private forest land is not in dispute here, we find no difficulty in holding that the State Government was empowered to protect the habitats situated on the appellants' land by notifying an elephant corridor thereupon.

40. Furthermore, since the impugned decision of the High Court, the Ministry of Environment, Forest and Climate Change vide its Notification S.O. 4498(E) dated 13.12.2019 has declared the entire area in question and adjoining areas around the Mudumalai Tiger Reserve as an Eco-Sensitive Zone. Under this Notification,

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<sup>2</sup> 1997 (2) SCC 267

the State Government of Tamil Nadu has been expressly directed to regulate land use generally, as well commercial establishment of hotels/resorts specifically, in the Eco-Sensitive Zone so established. As was held by this Court in ***M.C. Mehta v. Union of India and Ors.***<sup>3</sup> the "Precautionary Principle" has been accepted as a part of the law of our land. Articles 21, 47, 48A and 51A(g) of the Constitution of India give a clear mandate to the State to protect and improve the environment and to safeguard the forests and wild life of the country. It is the duty of every citizen of India to protect and improve the natural environment including forests and wild life and to have compassion for living creatures. The Precautionary Principle makes it mandatory for the State Government to anticipate, prevent and attack the causes of environmental degradation. In this light, we have no hesitation in holding that in order to protect the elephant population in the Sigur Plateau region, it was necessary and appropriate for the State Government to limit commercial activity in the areas falling within the elephant corridor.

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<sup>3</sup> 1997 (3) SCC 715

41. The second limb of the appellants' submissions comprises of questions about the scientific accuracy of the Expert Committee's Report and contentions that the dimensions as well as the location of the single corridor identified therein are at odds with authoritative scientific publications. It has been argued by the appellants that their resorts and other establishments do not fall within the historic corridors identified in these publications. These assertions were dealt with by the High Court which held that there was material on record to show presence of elephants as well as a past incident of human-elephant conflict, which resulted in the death of a French tourist, in the region where the appellants' resorts are located. The High Court also held that any absence of elephants from the areas surrounding the appellants' resorts was, in fact, due to the construction activities of the appellants whereby access of the elephants has been restricted through erection of electric fencing. We see no reason to interfere with the above factual findings of the High Court and also do not find fault in the State Government's adoption of the recommendations of the High Court-appointed Expert Committee, through the impugned G.O.

42. This brings us to the last limb of the submissions of the appellants, which is comprised of factual objections to the acreage of the elephant corridor as notified by the impugned G.O. and the actions taken by the District Collector, Nilgiris in pursuance thereof. The appellants have contended that there has been substantial variance between the acreage recommended for acquisition by the Expert Committee Report and the acreage in the impugned G.O. It is further alleged that the acreage in the newspaper advertisement by the State Government inviting objections to notification of the corridor is also different from the acreage in the impugned G.O. As all the objections received pursuant to the said newspaper advertisement were rejected by the State Government and since the impugned G.O. purported to adopt the recommendations of the Expert Committee, the appellants allege that the said variance in acreage is arbitrary and unreasonable. It has also been alleged that the District Collector, Nilgiris has acted arbitrarily in sealing their resorts after rejecting the documents submitted by the appellant resorts purporting to show approvals and title. Similarly, it has been

alleged that the District Collector went beyond the scope of this Court's order dated 24.12.2018 wherein immediate removal of electric fences and barbed wire was directed. It is the appellants' case that non-electric fences as well as fences beyond the notified elephant corridor area were removed by the District Collector. We are of the view that it is just and proper to hold an inquiry to establish the veracity of the above factual objections of the appellants.

43. Therefore, we appoint a 3-member Inquiry Committee consisting of: (i) Hon'ble Mr. Justice K. Venkatraman, Former Judge of the Madras High Court (Chairman); (ii) Mr. Ajay Desai, Consultant to World Wide Fund for Nature-India and Member of the Technical Committee to come up with a National Elephant Action Plan (NEAP), constituted by the Union Ministry of Environment, Forest and Climate Change (MOEF&CC); and (iii) Mr. Praveen Bhargava, Trustee of Wildlife First and Former Member of National Board for Wildlife to decide the individual objections of the appellants and any other persons claiming to be aggrieved by the actions of the District Collector, Nilgiris pursuant to the impugned G.O. and as recorded before us through her Plan of

Action Report and her twin Action Taken Reports, as also the allegations regarding arbitrary variance in acreage of the elephant corridor under the impugned G.O. The State Government is directed to consult the Chairman of the Inquiry Committee and pay remuneration to him and the other Members of the Inquiry Committee. Further, we direct the State Government to provide appropriate secretarial assistance and logistical support to the Inquiry Committee for holding the inquiry within four weeks from today.

44. We leave it to the discretion of the Inquiry Committee to decide the location for its inquiry proceedings. We also authorize the Inquiry Committee to appoint requisite staff on temporary basis to assist the Committee in the inquiry and to fix their salaries. The State Government is directed to pay their salaries. The State Government and the district level authorities are directed to provide their full cooperation and produce any and all files/documents required by the Inquiry Committee to address the grievances of the appellants and any other persons claiming to be similarly aggrieved. The appellants and other persons claiming to be aggrieved by the plan of action/actions of the District Collector,

Nilgiris pursuant to the impugned G.O. and the allegations regarding variance in acreage under the impugned G.O, are permitted to file objections containing their grievances before the Inquiry Committee within a period of four months from today. The Inquiry Committee is directed to consider the objections filed before it and pass appropriate orders thereon after granting the parties a reasonable opportunity of being heard. The parties are also permitted to file documents in support of their respective contentions before the Inquiry Committee.

45. The present appeals are disposed of in the aforesaid terms, leaving the parties to bear their own costs. All pending applications shall stand disposed of.

.....CJI.  
(S. A. BOBDE)

.....J.  
(S. ABDUL NAZEER)

.....J.  
(SANJIV KHANNA)

**New Delhi;  
October 14, 2020.**

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F. No. 2-7/1998-PE (Pt.I)

Government of India/ भारत सरकार

Ministry of Environment, Forests & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
(Project Elephant Division/हाथी परियोजना प्रभाग)

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6<sup>th</sup> Floor, Jal Wing,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi-110003Dated 20<sup>th</sup> April, 2023

To

The Chief Wildlife Warden,  
All Elephant Range States & UTs.**Sub: Allowing hindrance free interstate movement for Elephants- reg.**

Sir/ Madam,

It has come to the notice of the Ministry that certain States are driving off the elephants from their states to another neighbouring states and have also made fences, trenches, barriers etc. to stop the movement of elephants in their respective States. This is creating hindrances in natural movements/migration of elephants in the landscape.

The Ministry vide letter No 6-3/2010-PE dated 14.12.2021 circulated the Hon'ble Supreme Court of India, judgment dated 14.10.2020 to all Elephant range States. The Hon'ble Supreme Court, while upholding the order of Hon'ble High Court of Madras, recognized the importance of elephant corridors for protection and preservation of elephant species. The Hon'ble Supreme Court reiterated that corridors should be kept free from encumbrances for the transboundary movement of elephants and secure the corridors of elephants (The copy of the letter enclosed).

This matter was also discussed during the 18th meeting of the Steering Committee of the Project Elephant held at Kaziranga National Park, Assam and it was decided that all Chief Wildlife Wardens of the Elephant Range States would ensure that there should be no hindrance such as fences/barriers/ trenches etc or by using manpower for obstructing the movement of elephant in bordering areas. Further, no manpower such as hulla parties, creating noise or using crackers/fire should be used for forcefully driving away the elephant from one State to other or preventing their entry.

This issues with approval of the Competent Authority.

Encls: as above.

Yours faithfully,  
Digitally signed by  
K.Mutham  
K.Muthamizh Selvan  
Date: 2023.04.20  
11:10:34 +05'30'  
**(Dr. K. Muthamizh Selvan)**  
Scientist 'E' (Project Elephant)  
Email id: km.selvan@gov.in  
Telephone No. 011-20819193

Copy to:

- i. PPS to DGF&SS, MoEF&CC.
- ii. PPS to ADG (PT) & MS NTCA, MoEF&CC.
- iii. PS to IGF & Director, PE, MoEF&CC.

F.No. 7-1/2021-PE

Government of India/ भारत सरकार

Ministry of Environment, Forests & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
(Project Tiger & Elephant Division / व्याघ्र एवं हाथी परियोजना प्रभाग)

\*\*\*\*\*

6th Floor, Jal Wing,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi-110003

Dated 22<sup>nd</sup> August, 2023

To

The Principal Chief Conservator of Forests (WL) &  
Chief Wildlife Warden,  
All States/UTs.

**Sub: Report on Elephant Corridors of India -reg.**

Madam/Sir,

Elephant is long ranging landscape species which moves from one habitat to another through corridors. Long- term conservation of elephants can be ensured only by maintaining viable population within suitable habitats, which could be well connected, with other habitats by protecting and strengthening the existing corridors.

The Elephant Task Force Report, 2010 'Gajah' had listed 88 elephant corridors in the country. The Ministry had been communicating to the States/UTs to assess the feasibility of protecting and conserving these corridors and take appropriate measures.

In continuation of the efforts being made by the States/UTs, the Ministry along with the support of State Forest Departments initiated the ground validation of elephant corridors across the country in August 2021 and completed the task in July, 2023.

As a result, 150 elephant corridors have been identified with their significance and conservation needs. A report titled "**Elephant Corridors of India (2023)**" comprising information pertaining to all the identified elephant corridors was released by the Hon'ble Minister, EFCC during the World Elephant Day 2023 held on 12th August, 2023 at Bhubaneswar, Odisha (copy enclosed). The report was deliberated in the 19th Steering Committee meeting of Project Elephant wherein Chief Wildlife Wardens or their representatives were present.

As reiterated in the report, the number of elephant corridors presented is best considered minimum, and can be subject to modification based on the field data and inputs. The States/UTs are requested to take necessary steps to protect and conserve the elephant corridors and keep updating the Ministry with their field inputs and actions taken for further updating the report in future.

A copy of the report is enclosed herewith for consideration and necessary actions.

Yours faithfully,

Encls: As above

 22.8.23

(Ramesh Kumar Pandey)

Inspector General of Forests (PT&amp;E) &amp; Director (PE)

**IN THE NATIONAL GREEN  
TRIBUNAL (SZ),  
CHENNAI BENCH**

**O.A. No. 249 of 2024**

**REPLY FILED BY THE  
1st RESPONDENT**

**M/s. Y. KAVITHA**

**Counsel for the 1st  
Respondent  
98415 86629**