

W.P.(MD) No.7606 of 2017 and WMP(MD) No.10267,10949 of 2016,  
W.P.(MD) Nos.13763 of 2016 and 3633 of 2014 W.P.No.15120 of 2019  
and W.M.P.Nos.15106, 15111, 15112 of 2019

**W.P.(MD) No.7606 of 2017 and**  
**WMP(MD) No.10267,10949 of 2016,**  
**W.P.(MD) Nos.13763 of 2016 and 3633 of 2014**

**M.M.SUNDRESH,J.**  
AND  
**N.SATHISH KUMAR,J.**

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

Today Interim Report -III has been filed on behalf of the Committee. Mr.T. Mohan, learned counsel appearing for the Committee, has brought to the notice of the Court in respect of death of elephants through electrocution. As this has occurred within the forest, the Committee has suggested a policy scheme modeled on the recommendation of the National Board for Wildlife sub-committee on Guidelines for Roads in Protected Areas.

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We have perused the suggestions made and thus we call upon the Forest Department to submit their response in this regard. The respondent shall also indicate the steps which are required to be taken while giving fresh permission and also in cases where such permissions have been granted already. After all the endeavor is to prevent accident for elephants, which will have no difference between fresh connection and one existing already.

2. The second suggestion made by the Committee is with respect to the provision of the protocol for management of different invasive species available in the Forest Department as indicated in the meeting dated 10.4.2019. Though it has been indicated that same would be shared, it appears it has not been done till now. Therefore, the Forest Department is directed to share the protocols for management of different invasive species with the Expert committee, at the earliest to proceed further.

3. The Committee has further suggested detailed guidelines for removal of important invasive species and restoration of post-removal. For the above purpose, the Committee has prepared guidelines and asked specific particulars of invasive species in a proforma. This proforma on invasives and restoration for forest divisions is to be filled up at the Forest Division Level. Unless the requisite particulars are furnished, then there would be a lot of difficulty in preparing the road map. In such view of the matter, the Forest Department is called upon to direct all the Division and Range level officers to furnish the particulars required within a period six (6) months, at any case not later than six (6) months from the date of receipt of copy of this order.

4. Other suggestion of the Committee is with respect to inclusion of MNREGA. This is the scheme provided for giving employment to the unemployed persons by giving 100 days

work. Now, under the scheme, persons can be engaged to carryout the directions of the Committee in concern with the Forest Department in removing the exotic species and for facilitating the better atmosphere in the forests. The learned Government Pleader (Forests) is directed to get instructions on this aspect. Such instructions have to be obtained not only from the Forest Department but also from the Government level. We are of the view that inclusion of the scheme for implementation of the issue which they are currently concerned with, will go a long way as it would involve local population apart from sensitising the general public. After all participation of all stakeholders would be of absolute necessity as the task is enormous.

5. Yet another submission has been made in respect of immediate short term recommendations made. It is submitted that the plots identified for action as described in a and b of Para

5(i) may be formally recorded with GPS readings and are in hectares to enable monitoring of this effort by the Expert Committee. The committee requires the set up to be done within a period of four (4) weeks. As we do not find any difficulty in this, we direct the respondents to implement the above said recommendation of the Committee within a period of six (6) weeks from the date of receipt of copy of this order.

6. We come to the most important issue which is in respect to draft guideline prepared by the Committee for removal of invasive species along with restoration of post-removal. The Forest Department is directed to go through the same and come out with response. We have perused the draft guidelines, which in our view is quite comprehensive and exhaustive.

7. At this point of time, it has been brought to our notice that there is some difficulty in getting the requisite authorisation

and permission from the Forest Department for removal of Eucalyptus trees adjoining the ongoing construction for the combined District Court building at Ooty. Since the request is only for the removal of the exotic species Eucalyptus, we are of the view that there is no difficulty in giving such permission. Not only that, it would be better in the interest of the forest and employment, to remove those trees in that place subject to the construction activity that is being going on, other native species which are in the nature of forest, trees and shrubs can be planted. Accordingly, we direct the District Forest Officer, and District level Committee as well as Tamil Nadu Hill Areas Preservation of Trees Committee to undertake above said exercise within two (2) months from the date of receipt of copy of this Order. The above said authorities are at liberty to make such other exercise for rehabilitation after removal of eucalyptus trees as our observations are only suggestive in nature.



8. One more aspect is brought to our notice. This is in respect to permission required to be given by the above said authorities in removing exotic species in private lands. We are of the view atleast in such cases, the authorities should not be more liberal as it will help all stakeholders. Whenever permission is sought for the removal of exotic species, the authorities will have to liberally extend the same by giving appropriate permission. Of course, as stated, it is open to them to impose additional conditions for rehabilitation. However, they cannot withhold or deny it on the technical ground when permission has been sought for, for cutting the exotic species.

9. However, we are quite conscious of the fact, in case of large scale removal, the authorities can take a decision keeping in view the impact of the environment in mind, which is inclusive of soil stability and the micro organism.

10. While we appreciate the efforts taken by the Committee, we make it clear that the members of the Committee are at liberty to make visits as and when required. The purpose is for implementing the direction issued by us, in which case adequate coordination will have to be made by sending additional supporting staff by the respondent.

11. The reports filed by the Committee which are three (3) in numbers, are to be uploaded in the web site of the Forest Department. This will facilitate views from the public which can be taken note of while passing further directions. We make it clear that along with the Committee, counsel appearing for the parties can also accompany. If any grievance is expressed, the Committee is at liberty to make a visit and file report.

12. List the cases in W.P.No.15120 of 2019 and W.M.P. Nos. 15106, 15111, 15112 of 2019 and W.P.No.15124 of 2019 along



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with this case. Post the matter in the first week of December  
2019.

**[M.M.S.,J.] [N.S.K.,J.]**

17.10.2019

ggs

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Communicate Copy through fax to :

1. The District Collectors concerned
2. The Chairman/District Collector, The Tamilnadu Hill Areas (Preservation of Trees) Committee, Collectorate, The Nilgiris
3. District Forest Officer, The Nilgiris
4. District Judge cum Chief Judicial Magistrate, Ooty.

**M.M.SUNDRESH,J.**

AND

**N.SATHISH KUMAR,J.**

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- Copy to: 5. The Expert Committee,  
6. Mr.M. Santhana Raman, Amicus Curiae,  
No.4, Trustpuram, IV Cross Street,  
S3 Gokul Apartments, Kodambakkam,  
Chennai 600024

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**W.P.No.15120 of 2019**  
**and W.M.P.Nos.15106, 15111, 15112 of 2019**

**M.M.SUNDRESH,J.**  
AND  
**N.SATHISH KUMAR,J.**

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

Pursuant to the first order passed by one of us (Justice N. Sathish Kumar) it appears that atleast in The Nilgiris District things are working better. However, on a query raised by us learned Government Pleader seeks further time.

2. Considering the seriousness of the issue involved, we call upon the Committee to make a visit to The Nilgiris District and satisfy itself on the working mechanism available while implementing the order passed. Thereafter, the Committee can suggest ways and means to extend the same along with the

suggestions to be applied in all forests and hill areas.

3. The learned counsel appearing for the Petitioner has no objection for the same. The direction issued was not only to the District Collector, The Nilgiris but also the District Collector, Coimbatore. Therefore, it is understood both the officials will have to work in unison to achieve the above object. At present, plastic materials are being collected within The Nilgiris District viz., at the border of the district. As suggested, it would be appropriate if taking plastic materials is prevented at the border of Coimbatore District – Mettupalayam itself. Therefore, the District Collector, Coimbatore District is directed to file an affidavit on the implementation of the direction issued in Point Nos.4 and 8 of the Order dated 29.5.2019. Such affidavit shall be filed on the next date of hearing. We make it clear that it is appropriate that the District Collector, Coimbatore shall make all endeavor to implement the order by providing necessary

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infrastructure for the purpose of collecting plastic materials at  
Mettupalayam.

4. Inasmuch as the direction was issued in the order dated  
29.05.2019 to the District Collector, Dindigul, who is not being a  
party, he was impleaded suo motu as party respondent, we direct  
the learned Government Pleader to file an affidavit on the steps  
taken and proposed to be taken in this regard. The Committee  
members are also at liberty to make a visit to Kodaikanal in this  
regard and have interaction with the District Collector, Dindigul.

Post the matter along with W.P.(MD) No.7606 of 2017 and  
WMP(MD) No.10267,10949 of 2016, W.P.(MD) Nos.13763 of 2016  
and 3633 of 2014 in the first week of December 2019.

**[M.M.S.,J.] [N.S.K.,J.]**

17.10.2019

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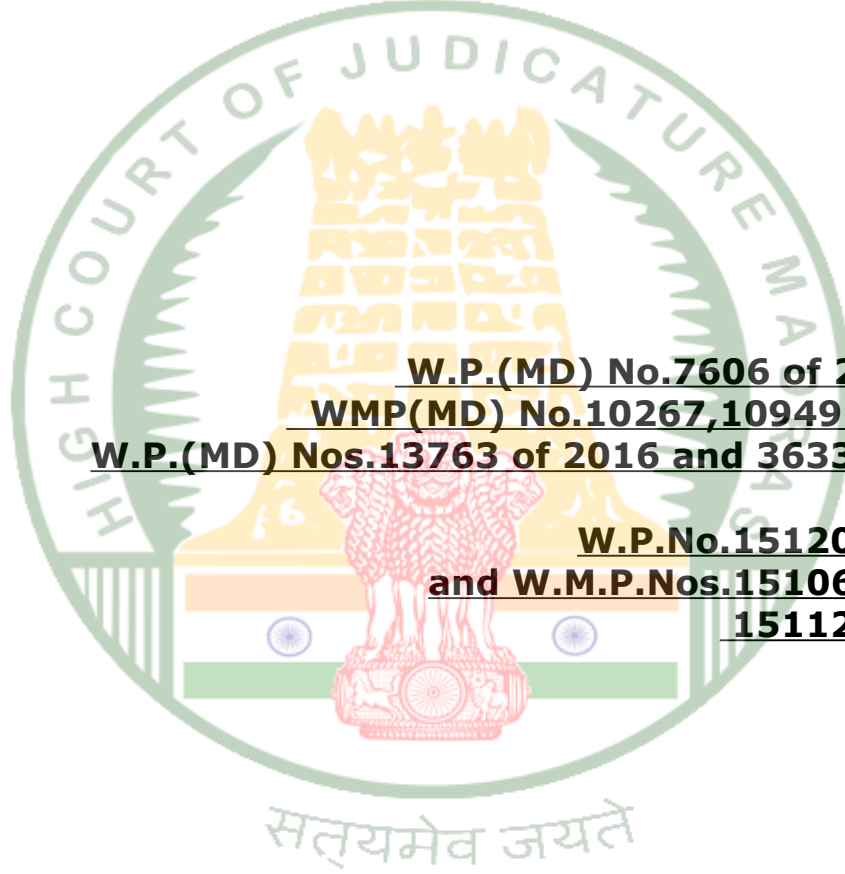
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1. The District Collector, Coimbatore.
2. The District Collector, Dindigul.

**M.M.SUNDRESH,J.**  
AND  
**N.SATHISH KUMAR,J.**

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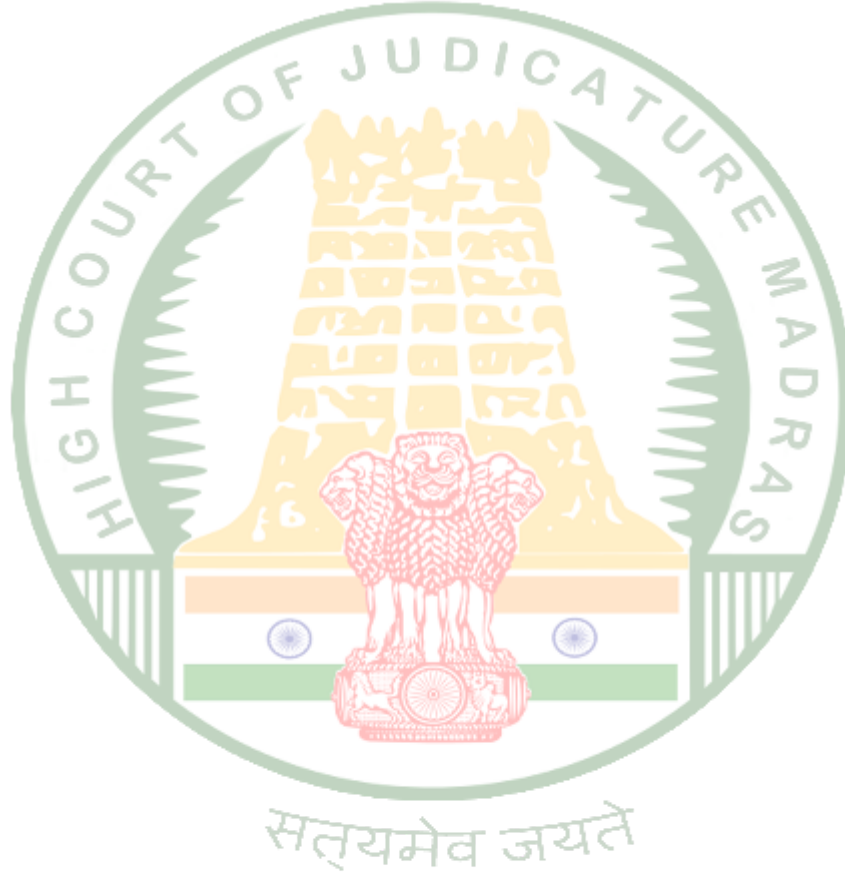


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