



WEB COPY



W.P.(MD)Nos.19771 of 2018 etc., batch

WP(MD) Nos.19771 & 23901 of 2018,
and
WP(MD)Nos.8222 & 19652 of 2020
and
WMP(MD) Nos.22417, 22415, 22414,
22416, 17553 & 20000 of 2018 & 7941 and 18595 of 2021

V.BHARATHIDASAN, J.

AND

N.SATHISH KUMAR, J.

Today, it has been brought to the notice of this court that there occurs road accidents frequently on National Highways (NH-958) which connects Bangalore in Karnataka with Coimbatore in Tamil Nadu and passes through Sathyamangalam Tiger Reserve Forest in which precious lives of wildlife are lost and the statistics show that during last ten years, between 2012-2021, as many as 152 wild animals including 3 Nos. of leopard were killed in road accidents.

2. It has been further brought to the notice of this court that there is high vehicular movements, both heavy vehicles and passenger vehicles, on the above said NH and the drivers of those vehicles are not adhering to speed limits which ultimately results in accidents frequently. It has also been brought to the notice of this court that earlier, District Road Safety Committee,



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Erode District, issued a notification in Erode District Gazette (Extraordinary)

WEB COPY Notification No.1 dated 07.01.2019 publishing the Roc.No.18425/2017

(C-2) dated 04.01.2019 of the District Collector, Erode District which imposed restrictions on vehicles passes through the stretch and the vehicles are not allowed to ply at the stretch between 09.00 p.m. and 06.00 a.m., however, the above arrangements were implemented only for few months and thereafter, the arrangements were not followed strictly. Now, all types of vehicles are plying freely without any restrictions.

3. Dr.Shekhar Kumar Niraj, I.F.S., Chief Conservator of Forests and Chief Wildlife Warden and Shri.Nihar Ranjan, I.F.S., Field Director, Sathyamangalam Tiger Reserve (STR) were present in court in person. The Field Officer, STR, Forest has stated due to high vehicular movements with unrestricted speed, accidents occur frequently at the place where the animals cross the highways. Both the Chief Wildlife Warden and the Field Director, STR have stated that banning of movements of certain types of vehicles between 09.00 p.m. and 06.00 a.m. as it has been followed in Nilgiris District on Mysore - Calicut Highways which runs through Mudumalai Tiger Reserve Forest which successfully prevented the loss of lives of wildlife animal in



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road accident.

WEB COPY4. Mr.M.Santhanaraman and Mr.T.Mohan learned Amici Curiae and Mr.Chockalingam S.P. and the learned counsel appearing for the petitioners would also submit that total ban of vehicular movements during night hours between 09.00 p.m. and 06.00 a.m. on the Tiger Reserve stretch would only prevent the accidents on on the National Highways.

5. Mr.V. Chandrasekaran, the learned Senior Panel Counsel for Union of India, who was present through video conferencing, submitted that National Highways Authority of India (NHAI) is competent to take action in this regard. Therefore, Mr.Su.Srinivasan, the learned Standing Counsel for National Highways (NHAI) is directed to get suitable instructions from the authorities regarding the restriction of vehicular movements between Bannari and Dhimbam during night-hours between 09.00 p.m. and 06.00 a.m. report to this court on the next date of hearing. Besides, a responsible Officer from the National Highways Department is also directed to be appeared before this court through video conference on 03.02.2022. The Secretary to Government of Tamil Nadu, Highways Department, Secretariat, Chennai, is also directed to be appeared before this court on 03.02.2022 through video conference.



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WEB COPY6. Today, it is also brought to the notice of this court that there is a village in The Nilgiris District by name Thengumarahada, which is situated in Buffer Zone of Mudhumalai Tiger Reserve (MTR), however, 25 kms of road between Thengumarahada and Bannari Main Road runs in the core area which falls within Sathyamangalam Tiger Reserve and 30% of tiger population moves in and around that area. This area is also the breeding place for tiger and other wildlife animals. It is also brought to the notice of this court that the said village is situated in the forest land. Earlier in the year 1952, an extent of around 500 Acres were given to a co-operative society, which, in turn, divided the land into several pieces and leased out the same to various persons for the purpose of eking out their livelihood. This court is now informed that at present the original lessees are not in occupation of the lands and they have sub-let the leased out lands to various other persons. It is a vulnerable area and it is where the wild animals supposed to move freely, but, the above lone village affects the free movement of wild lives. In the said circumstances, the people in that village are required to be rehabilitated to some other areas and it if is done, it would facilitate the free movement of wildlife animals in the area.



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WEB COPY7. Mrs.Supriya Sahu, I.A.S., Additional Chief Secretary to Government, Environment, Climate Change and Forest Department, Government of Tamil Nadu, who was present before this court through video conference; the Dr.Shekhar Kumar Niraj, I.F.S., Chief Conservator of Forests and Chief Wildlife Warden; and Shri.Nihar Ranjan, I.F.S., Field Director, Sathyamangalam Tiger Reserve Forest would submit that proposal should be initiated by the District Collectors of Nilgiris, Coimbatore and Erode Districts and the Forest Department is ready to extend their fullest cooperation in this regard.

8. Considering the above submissions, the District Collectors of The Nilgiris, Coimbatore and Erode Districts are directed to appear before this court through video conferencing on 28.01.2022. The Chief Conservator of Forests and Chief Wildlife Warden and Chief Conservator of Forest & Field Director, Sathyamangalam Tiger Reserve Forest are also directed to appear present before this court on that date either through video conference or in person which ever mode is convenient for them.

The Registry is directed to list the matters on 28.01.2022.



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[V.B.D.J.] [N.S.K.J.]
25..01..2022

V.BHARATHIDASAN, J.
AND
N.SATHISH KUMAR, J.

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Writ Petition (MD)
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