

**W.P.No.15120 of 2019
and**

WEB COPY W.M.P.Nos.15112 of 2019, 31696 of 2023 & 8422 of 2024

N. SATHISH KUMAR, J.

AND

D. BHARATHA CHAKRAVARTHY, J.

W.P.No.15120 of 2019:

Issue relating to Carrying Capacity

This matter relates to fixation of carrying capacity in respect of the Nilgiris District and Dindigul District.

2. We have already passed an order on 22.04.2024, whereby, we recorded that the Government has roped in two institutions viz., Indian Institute of Technology, Chennai and Indian Institute of Management, Bangalore, to take up the study for fixing carrying capacity in the hill stations viz., the Nilgiris, the Nilgiris District as well as Kodaikanal in Dindigul District.

3. Now, pending such study to be undertaken by the Government, the question is as to what interim measures could be ordered. For that aspect, the matter was adjourned to 29.04.2024.

4. Today, a status report is filed by the Government.

5. The District Collectors of The Nilgiris District as well as Dindigul District, are present in Court through virtual mode. After hearing their views



and also upon perusing the status report, which reveals that a whopping
WEB C20011 vehicles are entering the Nilgiris every day, which includes 11509
cars, 1341 vans, 637 buses, 6524 two-wheelers in an average during the
peak season. It can be seen that the situation is alarming. There can be
absolutely no place even for movement of traffic and it is affecting everyone,
the residents, the tourists, the visitors etc., without exception. More
specifically, (i) the local residents can not even move even for their regular
livelihood including for medical emergency and their very right to life is
affected; (ii) the tourists also cannot reach their destinations and it spoils
their very experience; (iii) the environment is the worst affected.

6. The roads are carrying beyond their capacity. It can also be seen
that all these routes are meddling/interfering with the elephant corridors. and
In view of traffic jams, vehicles are stranded in the roads cutting across
forests, the animals are worst affected. It causes irreparable damage to the
environment.

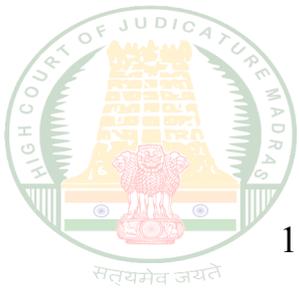
7. Therefore, while the study is being undertaken, for the current year,
without any restrictions on the number of vehicles entering the hill stations,
entry of vehicles can be regulated by granting e-passes. Already, regulating
the entry through e-passes was developed and was in vogue during the
COVID-19 pandemic in the State. However, at that point of time, entry of



vehicles was permitted only if there was a reasonable cause shown.

WEB COPY8. Now, entry passes can be issued after due filling in of the a form with relevant questions as to (i) the nature / type of the vehicle whether it is a car, van, bus or two; (ii) whether the entry is for tourist or other purposes; (iii) whether it is day trip or a stay; (iv) the number of persons travelling; (v) and other relevant particulars. The system that is user friendly can be developed. The Tourists or any other person visiting the Nilgiris or Kodaikanal, as the case may be, will be able to fill in and an auto generated e-pass can be granted. It can also be doubled up by linking payment gateway portal in respect of Green Tax or Toll Charge if possible. That would also save further time and there need not be bottlenecks at the check-posts.

9. e-passes can also contain important information, such as, ban of one time use of plastic products like water bottles, polythene bags, etc., and also such other instructions for the tourists so that the solid wastes are properly disposed and managed. Therefore, without imposing any restrictions, by regulating the movement, firstly as temporary measure/pilot basis, the entire system can be made more efficient and improved besides providing the much needed valuable data for the study which is going to be undertaken by the State of Tamil Nadu through the aforesaid agencies.



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10. As a matter of fact, District Collectors have such powers under Section 115 of the Motor Vehicles Act, 1988 r/w Rule 317 of the Tamil Nadu State Motor Vehicles Rules, 1989 which empowers the respective District Collectors, being Regional Transport Authorities, to restrict or regulate the entry of vehicles. Not only in the teeth of the said provisions, we pass this order more importantly with the important purpose of saving the entire Nilgiris biosphere and for the protection of Western Ghats which is a more serious question. We must note that human beings alone cannot exist on earth without bio-diversity. While the large and entire landscape is available to us, the human beings, variety of flora and fauna find their existence only in these hill areas and environmentally important zones. Therefore, it is critical to preserve this pristine places more in the interest of human beings as such.

11. It is also brought to our notice that, this year, due to extreme drought conditions, even provision of adequate drinking water to the local residents has become a challenge. The shortage is acute.

12. For all the foregoing reasons, we direct the District Collector, the Nilgiris District, as well as the District Collector, Dindigul, as under:-

(i) they shall develop a system / online form so as to enable all the vehicles visiting the Nilgiris or Kodaikanal, as the case may be, to fill in the



above particulars and generate an e-pass and will permit only such of those

vehicles which have e-passes;

(ii) the possession of such e-passes can be properly checked at the entry points without fail;

(iii) such system can be developed and implemented with effect from 07.05.2024 and shall be in vogue on a pilot / test basis upto 30.06.2024;

(iv) adequate publicity shall be made for the said system informing the general public on the website/ mobile app which are going to be developed;

(v) advertisements can be issued nation-wide and more specifically in the regional newspapers of the neighbouring States viz., Kerala, Karnataka and Andhra Pradesh;

(vi) the authorities can exempt the vehicles of the local residents, commercial vehicles regularly carrying essential commodities and also the vehicles carrying agricultural products by issuing an appropriate notification;

(vii) it is needless to say that e-passes either have to be valid for one entry or if it is for multiple entries then, there must be a provision regarding multiple entries / trips for the same vehicles;

(viii) while developing appropriate software/online form, the authorities can include such other criteria which may be necessary for the purpose of study and or FOR any other purposes;



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(ix) the experts engaged by the State Government and Mr.T.Mohan,

learned Senior Advocate, Mr.M.Santhanaraman, Mr.Rahul Balaji,

Mr.C.Mohan, learned Advocates who appear as *Amici Curiae* in this matter can also forthwith send their views to the District Collectors intimating as to any particular or facts which need to be included in the forms etc., and the same can also be considered and included;

(x) the appropriate authorities/departments of the Government are directed to render their assistance to the District Administration of the Nilgiris as well as Dindigul District, for developing the software/website, mobile app and online application for issuance of e-pass. The submission of Mr.J.Ravindran, the learned Additional Advocate General that the government shall ensure that appropriate authorities will extend all technical assistance to the District Administration of the Nilgiris as well as Dindigul is also recorded.

The District Collector, the Nilgiris District, shall also ensure the traffic management for the current season, particularly, consider the stopping of tourists vehicles entering via Kalhatti Ghat Road because it is stated to be one of the primary reasons for the traffic congestion as well as detrimental to the Environment. The District Collector, the Nilgiris District, shall however exempt the vehicles of the local residents.



Post on 05.07.2024.

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BUY BACK SCHEME:

Status report filed on behalf of the TASMACH as also the status report with the available data from the Solid Waste Management Plan are taken on file.

2. It can be seen from the status report which is filed on behalf of the Solid Waste Management units, there is no specific data with regard to the glass bottles, etc., are available. The status report only generally points out about the waste which are sent to cement factories, saleable waste, E-waste hazardous waste, etc.

3. As far as status report filed by the TASMACH is concerned, it is now mentioned that so far, a sum of Rs.3,06,32,25,330/- has been collected by way of collection of Rs.10/- towards buy back scheme in addition to the sale price from 12 districts where the scheme had already been implemented and a sum of Rs.2,97,12,61,280/- has been refunded and the balance sum of Rs.9,19,64,050/- is kept in the separate account

4. In respect of 5 other districts where the scheme has been subsequently implemented, a total sum of Rs.54,64,88,870/- has been collected and a sum of Rs.56,45,41,260/- has been refunded and a sum of



Rs.2,19,47,350/- is kept in the separate account. Thus it could be seen that in

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5. It is also mentioned in para 7 of the status report that a total sum of Rs.12,62,00,000/- is lying in the separate account. We are not able to reconcile the figures mentioned in paragraphs 5, 6 & 7 of the status report filed on behalf of the TASMAC.

6. Mr.J.Ravindran, learned Additional Advocate General submitted that the amounts will be rechecked and verified and a fresh status report will be filed on the next date of hearing .

7. Post on 07.06.2024 for filing a properly verified and reconciled status report.

(N.S.K.,J.) (D.B.C.,J.)
29..04..2024

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Note: Issue order copy on or before 30.04.2024.



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