

A John Kennedy vs The State Of Tamil Nadu on 24 March, 2025

Author: Vikram Nath

Bench: Vikram Nath

2025 INSC 443

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SLP(CIVIL) NO(S) . 999-1001 OF 2025

A. JOHN KENNEDY ETC.

...PETITIONER(S)

VERSUS

STATE OF TAMIL NADU
AND OTHERS ETC.

...RESPONDENT(S)

ORDER

Mehta, J.

1. These petitions raise two important issues for our consideration. The first being the preservation of Reserve Forests, Wildlife Sanctuaries and Tiger Reserves in the State of Tamil Nadu and the other being the claim of the petitioners, being the displaced tea estate workers, claiming rehabilitation pursuant to their eviction from an erstwhile tea estate by the name of Bombay Burma Trading Corporation Limited [for short 'BBTCL'] located in 10:38:01 IST Reason:

Singampatti, Tamil Nadu, after the same was declared to be a Reserved Forest, Wildlife Sanctuary and Tiger Reserve under the provisions of the Wild Life (Protection) Act, 1972 [for short 'Wildlife Act']. The present petitioners had approached the High Court of Madras by filing various writ petitions, seeking a direction for providing them employment, rehabilitation, and compensation, etc. Another set of writ petitions (Public Interest Litigations), which were analogously heard, raised the important issues of restoration of the degraded forest areas pursuant to their liberation from the cultivations. All the writ petitions were disposed of/closed by the High Cour vide a common order dated 3rd December, 2024, giving general directions for the rehabilitation of the erstwhile tea estate workers, leaving the issue of paramount importance, i.e., conservation and restoration of the forest areas inconclusive.

2. Needless to say, that the forests form the lungs of the ecosystem, and any depletion/destruction of forest areas has a direct impact on the entire environment. The world at large is facing the calamities caused by the climate change, and the primary culprit behind this is the depleting forest cover owing to a myriad of issues including rapid urbanization, unchecked industrialization, encroachments, etc.

3. This Court in the continuing mandamus of T.N. Godavarman Thirumalpad v. Union of India and Ors. (2006) 1 SCC 1, has repeatedly issued mandatory directions to the States and other authorities to ensure that the forest cover is maintained/restored and any efforts to encroach thereupon are dealt with by iron hands.

4. India has a forest cover of about 7,15,343 sq. km as per 'India State of Forest Report 2023', which is about 21.76% (approx.) of the total landmass of the country. Nepal has 44.74% (approx.), Bhutan has 72% (approx.), and Sri Lanka has 29% (approx.) forest cover. Hence, clearly the forest cover in India is not adequate and needs to be enhanced. A recent report, submitted by the Ministry of Environment and Forests, in proceedings before the National Green Tribunal indicates that almost 13000 sq. kms. area of forests is under encroachment. This Court has time and again taken up this issue and passed mandatory directions to remove the encroachments from the forest areas and to curb any attempt to reduce the forest cover in the country.

5. In this context, we would like to quote the following excerpts from this Court's judgment in the case of State of Telangana and Others v. Mohd. Abdul Qasim(Dead) Per LRs (2024) 6 SCC 461, authored by Hon. M.M. Sundaresh, J. :-

“29. Forests not only provide for and facilitate the sustenance of life, but they also continue to protect and foster it. They continue to tackle the ever-increasing carbon dioxide emissions produced by humans in the name of development, while striving to sustain all species. Despite the unblemished, selfless and motherly service rendered by forests, man in his folly continues with their destruction, unmindful of the fact that he is inadvertently destroying himself.

30. Consequent to the advent of agriculture, man has destroyed a significant portion of forests at his own peril. Forests serve the Earth in a myriad of ways ranging from regulating carbon emissions, aiding in soil conservation and regulating the water cycle. Water being a life source, its availability for all life forms is heavily dependent upon the aquifers created by forests.

Forests also play a pivotal role in controlling pollution, which significantly affects the underprivileged, violating their right to equality under Article 14 of the Constitution of India, 1950. It is the vulnerable sections of the society who would be most affected by the depletion of forests, considering the fact that the more affluent sections of society have better access to resources as compared to them. Therefore, the protection of forests is in the interest of mankind, even assuming that the other factors can be ignored..[..].

31. There is a crying need for a change in our approach. Man being an enlightened species, is expected to act as a trustee of the Earth. It is his duty to ensure the preservation of the ecosystem and to continuously endeavour towards the protection of air, water and land. It is not his right to destroy the habitat of other species but his duty to protect them from further peril. A right to enjoy cannot be restricted to any specific group, and so also to human beings. The time has come for mankind to live sustainably and respect the rights of rivers, lakes, beaches, estuaries, ridges, trees, mountains, seas and air. It is imperative to do so as there is always a constant threat to forests due to the ever-increasing population. Man is bound by nature's law. Therefore, the need of the hour is to transform from an anthropocentric approach to ecocentric approach which will encompass a wider perspective in the interest of the environment."

6. We, therefore, consider it necessary to take up the issues relating to the removal of encroachments and restoration of the forests which were left inconclusive by the High Court.

7. Background facts relevant and essential to the controversy are noted hereinbelow.

8. The entire extent of Singampatti Zamin forest lands in the State of Tamil Nadu, admeasuring an area of 3388.78 hectares, were leased out by the then Zamindar to the BBTCL for a period of over 99 years way back on 12th February, 1929. The lease holders cleared out the forests area and started cultivating crops like tea, coffee, along with various types of spices and rubber over the land in question and this exploitation of the forest areas had been going on unabatedly for more than 95 years.

9. The 'Singampatti Zamin forests lands' was declared to be a reserved forest vide Government Order [for short 'GO'] dated 23rd March, 1978. In the year 2007, the Government of Tamil Nadu issued GOM No. 145 dated 28th December, 2007, whereby the entire area covered by the tea estate was declared to be a 'Core Critical Tiger Habitat'. In the year 2012, the Government issued another GOM Nos. E & F dated 12th August, 2012, notifying the entire area as a Wildlife Sanctuary and a Tiger Reserve under the provisions of the Wildlife Act. The lands in question were declared to be a part of Kalakkad-Mundanthurai Reserve Forest on 28th February, 2018.

10. The BBTCL assailed the said declarations in Writ Petition No. 16921 of 2014, which is still pending consideration.

11. We are informed that there are more such tea estates in the State of Tamil Nadu which were allotted for cultivations by the erstwhile Zamindars by changing the nature of forest lands to revenue lands.

12. Concurrently, a batch of writ petitions came to be filed in the High Court of Madras, some of which were in the nature of Public Interest Litigations relating to forest issues, while others pertained to the claims of the displaced tea estate workers to protect their livelihood and rights to rehabilitation, compensation and re-employment pursuant to their dislodgement from the tea estate. In the Public Interest Litigations [i.e., Writ Petition (MD) Nos. 16381 of 2024, 16501 of 2024, 19108 of 2024 and 24693 of 2024], a specific prayer was made to restore the entire forest area

lands, which had been destroyed on account of plantation activities. All the above writ petitions were clubbed and taken up together by the High Court.

13. In these proceedings, a status report was filed by the Deputy Director and Wildlife Warden of the Kalakkad-Mundanthurai Tiger Reserve, stating therein that the Government vide GOM dated 2nd January, 2018, has declared an area to the extent of 22979.19 hectares to be a reserve forest under Section 16 of the Tamil Nadu Forests Act, 1882 [for short the 'Act'], which includes 3388.78 hectares area leased to BBTCL. This declaration was made after following the due process of law as provided under the TN Forest Act, taking into consideration the various claims made under the Act. It was also stated in the said affidavit that as per Section 2 of the Forest Conservation Act, 1980, prior approval of the Government of India is required for assigning use of forest land for non-forestry purposes, by way of lease or otherwise to any private person, or to any authority, corporation, agency or other organization. The entire area leased out to the tea estate by the former Zamindar of Singampatti forest lands forms the core of the Kalakkad- Mundanthurai Tiger Reserve and has been declared as 'Core Critical Tiger Habitat' vide GO No. 145 dated 28th December, 2007, issued by Environment & Forests Department, Government of India.

14. It was further mentioned that preserving the said area is critical for the survival and well-being of the entire eco-system. The reserve forest is a very critical component and forms the catchment area of a perennial river in the State of Tamil Nadu, namely, "Thamirabarai". Any disturbance to the eco-system would have adverse consequences to the water supply as well as the environment of the area in question, thereby affecting millions of people living in the adjoining districts of Tirunelveli and Thoothukudi, etc. It was emphasized in the affidavit that restoration of the forests, on previously leased out lands put to cultivation use, was of utmost importance to maintain the ecological balance.

15. The affidavit also mentions that most of the plantation workers, who were seeking reliefs in the writ petitions, were outsiders comprising of the migratory population and thus, they were not falling within the definition of 'traditional forest dwellers.' The affidavit reiterates and reaffirms that the entire area of Singampatti village, including the area leased-out to the BBTC, has been declared as a reserved forest vide GO (M.S.) No. 03 dated 12th January, 2018.

16. The Division Bench of the High Court referred to an earlier judgment authored by Hon'ble Mr. Justice M. M. Sundresh (as His Lordship then was), in the case of Bombay Burma Trading Corporation Ltd. and Ors. v. State of Tamil Nadu and Ors. (2018) 1 CTC 733, wherein extensive directions (quoted below), were given to the Government to preserve and restore the forest area:-

"39. The area in issue is pristine forest area. It has rich biodiversity and it must be preserved at least for the future generations. It accommodates river sanctuary. There flow 14 rivers in the Agasthyamalai landscape. The area must be protected as it is. Therefore, keeping in mind the climate change and its effect, every human being in the world has to ensure the preservation of eco system and to continuously endeavour towards protection of air, water and land."

17. It is, in this background, and considering the importance of restoration of the forest areas in the entire Agasthyamalai landscape, we requested learned Solicitor General Shri Tushar Mehta and Shri K. Parameshwar, Senior Advocate, who appears as Amicus Curiae in the forest related matters, to assist the Court in this matter.

18. On the previous date of hearing, Shri Tushar Mehta, learned Solicitor General, submitted that the Central Government is committed to conservation and restoration of forest areas and shall unreservedly comply with all directions which may be issued by this Court to secure this objective.

19. Shri K. Parameshwar, learned Amicus Curiae pointed out that the region in question is an important biodiversity hotspot in the Western Ghats, comprising a part of the Agasthyamalai Biosphere Reserve. He drew the Court's attention to para 4 of the judgment in Bombay Burmah Trading Corporation Ltd. (supra) which is quoted as under:-

“4. Biosphere Reserve (BR) is a representative part of natural and cultural landscapes extending over large area of terrestrial or coastal/marine ecosystem or a combination thereof. Kalakad Mundanthurai Tiger Reserve forms the core zone of Agasthiyarmalai Biosphere Reserve. In the 4th World Congress of Biosphere Reserves, Agasthyamala Biosphere Reserve has been declared as World Biosphere Reserve taking note of its cultural and ecological diversity. Agasthyamala Biosphere Reserve is included in the World Network of Biosphere Reserve under the Man and Biosphere (MAB) Program of UNESCO in the 28th Session of International Coordinating Council held in Lima, Peru from 18th to 19th March, 2016.”

20. Shri Parameshwar referred to topography of the Agasthyamalai landscape, which includes within its ambit the Periyar Tiger Reserve, Srivilliputhur Grizzled Squirrel Wildlife Sanctuary, Meghamalai and Thirunelveli Wildlife Sanctuaries. He pointed out that the High Court of Madras in the afore-quoted judgment of 2018, has recognized this entire area as crucial to elephant conservation in Southern India. He urged that the High Court has already issued a mandate to evacuate the tea estate workers from the critical forest areas which have to be maintained as pristine forests and no commercial activities, including ecotourism cultivation, etc. can be permitted on these lands. He further submitted that significant part of the encroachment is owing to the illegal cultivation of silk cotton being carried out by the unscrupulous elements in the core forest areas.

21. However, it was the contention of learned Amicus Curiae that with the efflux of time, these directions have lost their edge and have become inadequate for meaningful restoration and rehabilitation of the Agasthyamalai landscape. He urged that it is imperative that a scientific survey should be carried out for determining the boundaries of all the forest areas in the Agasthyamalai landscape and to identify the extent of encroachments prevailing thereupon. As per Shri Parmeshwar, only after the forest areas are identified and distinctly demarcated, measures required to restore and rejuvenate the forest areas which are extensively being depleted owing to systematic encroachments and exploitation by cultivated plantations, going on for almost one century, can be set in motion. The forest boundaries need to be secured, preceded by a scientific survey, which should include Satellite Imagery by Remote Sensing methods and Geo-Mapping of the entire area

failing which the objective of establishing the tiger reserves i.e., 'Core Critical Tiger Habitat' and having a healthy tiger population in the said reserve forests can never be achieved. He referred to the following observations made by this Court in T.N. Godavarman Thirumalpad (2025) 2 SCC 641 and urged that a healthy tiger population is crucial to the health of the forests and that a 'Core Critical Tiger Habitat' merits the highest level of protection. The same is reproduced hereinbelow:

“The tiger perishes without the forest and the forest perishes without its tigers. Therefore, the tiger should stand guard over the forest and the forest should protect all its tigers.” This is how the importance of the tigers in the ecosystem has been succinctly described in 'Mahabharata'. The existence of the forest is necessary for the protection of tigers. In turn, if the tiger is protected, the ecosystem which revolves around him is also protected. The tiger represents the apex of the animal pyramid and the protection of their habitat must be a priority. “A healthy tiger population is an indicator of sustainable development in the 13 tiger range countries.”

22. Learned Amicus Curiae prayed that the Central Empowered Committee ('CEC') constituted under the directions of this Court may be asked to conduct an extensive survey of the entire landscape and to give its suggestions for restoration of the pristine forest ecosystem.

23. Shri Parmeshwar further submitted that the CEC may be assigned the task of surveying the entire Agasthyamalai landscape so as to find out the extent of encroachments, if any, existing in these areas including the critical tiger reserves; to give a report regarding non-forestry activities (including any kind of cultivation) in and around the reserved forest areas.

24. He urged that the concerned authorities of the State may be mandated to stop the Government facilities and to remove all infrastructures including fair price shops, schools, Anganwadi, banks, water supplies, roads, bridges, transport facilities, etc. being provided in these reserved forest areas.

25. He also submitted that this Court may be pleased to provide protection to the forest personnel from malicious prosecutions in which they are frequently being entangled during the eviction proceedings; and to direct the local administration and police authorities to provide support and protection to the forest personnel during the eviction process.

26. Shri P.S. Raman, learned Advocate General appearing for the State of Tamil Nadu, submitted that the State Government is committed to ensure that no part of the reserve forest areas is encroached upon and that the entire area of the Agasthyamalai landscape which includes reserved forests referred to supra, are freed from encroachments and restored to their original form. He urged that the State Government has already taken proactive initiatives to ensure removal of encroachments, restoration of the forests and rehabilitation of the tea estate workers. The process for restoration of the Singampatti Zamin area as a forest area has already been commenced and the task of relocating and rehabilitation of the workers is complete. He assured that the State Government shall provide all support to the CEC in the process of survey, as may be directed by this Court.

27. In view of the submissions noted above and as an interim measure, to initiate the process of restoration of the pristine forest areas and to protect the tiger habitats/wildlife reserves/sanctuaries falling under the Agasthyamalai landscape, we hereby direct the CEC to conduct an extensive survey of the entire Agasthyamalai landscape, which would include Periyar Tiger Reserve, Srivilliputhur Grizzled Squirrel Wildlife Sanctuary, Meghamalai and Thirunelveli Wildlife Sanctuaries. The CEC shall indicate in its report all instances of non-forestry activities going on in these areas contrary to the statutory provisions viz, the Forest Conservation Act, 1980, the Wild Life (Protection) Act, 1972, etc.

28. Comparative data pertaining to the forest cover as it existed earlier vis-à-vis the current position shall also be provided so as to gauge the extent of depletion/degradation in the forest area.

29. The CEC shall also recommend measures for restoration of

(a) the reserved forests, (b) the tiger habitats, and (c) elephant corridors and (d) other wildlife reserves (sanctuaries) in and around the Agsthyamalai landscape, including the above- mentioned sanctuaries/reserves. For this purpose, the CEC may employ all scientific procedures including Remote Sensing Satellite Imagery, Geo Mapping etc., so that the process of survey can be expedited.

30. The concerned officials of the State Government including the District Administration, the Police Administration and the forest officials of each district involved shall be responsible for providing all required assistance and support to the CEC for completing the process of survey.

31. Twelve weeks' time is granted to the CEC for completing this exercise.

32. The matter shall be listed on 15th July, 2025, for receiving the report of the CEC and for further directions.

33. The issues relating to rehabilitation of the workers shall be considered on 22nd April, 2025.

34. List on 22nd April, 2025.

.....J. (VIKRAM NATH)J. (SANDEEP MEHTA) NEW DELHI;

MARCH 24, 2025.