

High Court asks Centre, State to clarify on eco-sensitive zone around MTR

The directive follows a plea by an aggrieved resort owner in the Nilgiris

LEGAL CORRESPONDENT
CHENNAI

The Madras High Court has decided to delve deep into the ramifications of a gazette notification issued by the Union Ministry of Environment and Forests (MoEF) on December 13, 2019 declaring an area of 438.904 sq.km, around the boundary of Mudumalai Tiger Reserve (MTR), as Mudumalai Tiger Reserve Eco-sensitive Zone.

Justice N. Anand Venkatesh said a balance must be maintained between the need to protect the environment and the livelihood of persons who depend upon revenue earned through tourism. Therefore, it was necessary on the part of the Centre as well as the State government to clarify issues

revolving around the eco-sensitive zone.

The judge took up the larger issue during the hearing of a writ petition filed by a resort owner who was aggrieved against a panchayat in Nilgiris district having sealed his premises. His counsel Abudu Kumar Rajaratnam contended that the resort was located well outside the elephant corridor and yet the local body chose to act against it.

During the course of hearing, the judge came across the December 2019 gazette notification which stated that 321 sq.km., comprising the entire area of Mudumalai Wildlife Sanctuary and National Park, in Nilgiris district had been declared as MTR (core or critical tiger

habitat) apart from another 367.586 sq.km. as a buffer area.

Considering the rich diversity of flora and fauna in MTR and the existence of rare, endangered, threatened and endemic species, the MoEF had decided to declare 438.904 sq.km. (consisting of 25.657 sq.km in Gudalur forest division, 409.825 sq.km., in Nilgiris North forest division and 3.422 sq.km., in core area) around the reserve as eco-sensitive zone.

The notification required the State government to prepare a zonal master plan, within two years and in consultation with the local people, to regulate the development activities in the eco-sensitive zone. As part

of the zonal master plan, the State was also required to prepare an eco-tourism master plan to regulate new tourism activities and also expansion of existing activities.

After taking note of the elaborate requirements under the Central notification, the judge wanted to know whether the notification would subsume all repugnant laws of the State in respect of the areas that had been earmarked as eco-sensitive zone. He also wanted to know whether the State had prepared the zonal master plan.

The judge *suo motu* included the Centre as well as the State government as respondents to the writ petition.