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Tamil Nadu

Madras HC upholds order to remove resorts in elephant corridor in Sigur plateau in Nilgiris

The HC bench, which has been dealing with cases related to forest issues, also ordered the state to declare the revenue land located along the corridor as a reserve forest.



It permitted the owners of land along the corridor to use such lands in an eco-friendly manner, without causing any disturbance to the elephants, and to avoid artificial barriers such as electrical or solar fences. Photo | T P Sooraj

R Sivakumar

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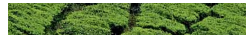
CHENNAI: A special bench of the Madras High Court upheld the ruling of a Supreme Court-appointed committee declaring the land purchased by private entities on the elephant corridor of Sigur plateau in the Nilgiris as illegal.

The committee's order to dismantle the illegal resorts and constructions raised in violation of planning permission on the corridor has also been upheld by a bench of Justices N Sathish Kumar and D Bharatha Chakravarthy.

The HC bench, which has been dealing with cases related to forest issues, also ordered the state to declare the revenue land located along the corridor as a reserve forest. The bench passed the orders on a batch of petitions filed by the private resort owners challenging the orders of a three-member inquiry committee appointed in 2020 headed by retired judge K Venkatraman on the title rights of the land owned by the resorts.

As per the Plan of Action report filed by the then district collector of Nilgiris before the Supreme Court a few years ago, there are a total of 821 constructions, including 39 resorts, inside the Sigur elephant corridor. Besides resorts, there are 390 houses, 27 common buildings, nine estates/plantations, 77 cultivation fields, and nine other constructions in the corridor. Of these, 35 resorts were sent demolition notices last year.

Referring to the planning permission



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referring to the planning permission obtained from the executive authority in different applications and constructions put up in larger extent of lands for commercial purposes, the bench said, "The committee has found on personal inspection that large-scale commercial activities are rampant and the building permissions have been misused. Resort owners setting up buildings to get permissions under the pretext of residential building and using it for commercial purposes cannot be permitted in the eyes of law."

The bench said commercial activities should be completely stopped in the area for free movement of elephants when the buildings were illegally constructed and used for commercial activities, even if property rights of the parties arise.

"Therefore, the order of demolition of the illegal construction, in the view of this court, does not require interference; however, the direction to hand over the possession of the property to the government alone cannot be sustained in the eye of law," the bench said in the order.

It was observed that the mass construction in the forest area, particularly in the main elephant corridor area, indicates that the executive authority of the particular village has been working hand-in-glove with the

private resort owners in allowing several

private resort owners in allowing several constructions to come up in the pristine area.

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It permitted the owners of land along the corridor to use such lands in an eco-friendly manner, without causing any disturbance to the elephants, and to avoid artificial barriers such as electrical or solar fences.

Since the entire landscape is a highly sensitive area and comes within the Nilgiris Biosphere spanning around 5,000 square meters, keeping the revenue lands adjacent to the elephant corridor, sanctuary, and buffer zone will only lead to further destruction, encroachment and land development activities, the bench observed.

“Therefore, this court directs the state government to notify all the revenue lands situated along the corridor, sanctuary, buffer zone in and around Mudumalai Tiger Reserve as reserve forests under the Tamil Nadu Forest Act, 1882, in tune with the recommendation of the expert committee,” the bench said in the order.

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It also ordered the state government to initiate the acquisition of private land along the corridor under the 2010 G.O. issued for notification and improvement of the elephant corridor.

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