



ENVIRONMENT

Supreme Court Orders Time-Bound Removal of Forest Encroachments in Agasthyamalai Landscape

01.06.2026 Introduction Environmental protection and economic or social interests have often occupied a contested space in Indian jurisprudence, particularly where conservation measures intersect with long-standing human occupation of ecologically sensitive areas. In this backdrop, the Supreme Court's decision in *A. John Kennedy & Others v. State of Tamil Nadu*^[1] assumes considerable significance. The judgment addresses [...]

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PUBLISHED 1 June 2026

Introduction

Environmental protection and economic or social interests have often occupied a contested space in Indian jurisprudence, particularly where conservation measures intersect with long-standing human occupation of ecologically sensitive areas. In this backdrop, the Supreme Court's decision in *A. John Kennedy & Others v. State of Tamil Nadu*^[1] assumes considerable significance. The judgment addresses the persistent issue of encroachments within the Agasthyamalai landscape a globally recognised biodiversity hotspot comprising reserve forests, wildlife sanctuaries, and tiger reserves and examines the State's obligations towards both ecological preservation and the rehabilitation of affected occupants.

Through a detailed assessment of forest encroachments, habitat degradation, and administrative inaction, the Court has articulated a strong framework for environmental restoration, eviction of unlawful occupants, and institutional accountability. More importantly, the ruling reinforces the constitutional mandate to protect forests and wildlife, while affirming that environmental governance must be guided by an ecocentric approach that recognises the intrinsic value of natural ecosystems. At the same time, the Court emphasises that rehabilitation and humanitarian considerations cannot be ignored, but must operate in tandem with, rather than as a substitute for, the imperative of conserving ecologically fragile landscapes. The decision therefore represents an important contribution to India's evolving environmental jurisprudence, balancing conservation objectives with principles of social justice and responsible governance.

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Background of the Case

The case arose from concerns regarding large-scale and continuing encroachments within the Agasthyamalai landscape, an ecologically significant region comprising the Kalakad-Mundanthurai Tiger Reserve (KMTR), the Srivilliputhur-Megamalai Tiger Reserve (SMTR), and the Kanyakumari Wildlife Sanctuary in Tamil Nadu. Recognised as one of the world's most important biodiversity hotspots, the landscape supports several endangered species and is a critical ecological corridor and watershed for southern India.

Pursuant to earlier directions of the Supreme Court, the Central Empowered Committee (CEC) undertook a comprehensive assessment of the extent of encroachments and environmental degradation within the protected areas. The CEC's reports revealed extensive illegal occupation of forest lands, proliferation of unauthorised infrastructure, continued extension of public amenities within encroached areas, and significant delays in enforcement measures. In the Srivilliputhur-Megamalai Tiger Reserve alone, approximately 4,601 encroachers were found to be occupying about 5,072.653 hectares of forest land, while substantial encroachments were also reported in other parts of the Agasthyamalai landscape.

A significant aspect of the proceedings concerned lands leased to the Bombay Burmah Trading Corporation Limited (BBTCL) within the Kalakad-Mundanthurai Tiger Reserve. The record showed that out of 8,373.57 acres of leased land, approximately 8,152.13 acres had been handed over to the Forest Department. However, issues relating to the remaining leased area, dismantling of plantation infrastructure, ecological restoration, and rehabilitation of affected workers remained under consideration.

The material placed before the Court also disclosed the involvement of serving and retired government officials in forest encroachments, the existence of unauthorised government and commercial structures within protected areas, and the continued operation of certain public facilities in encroached forest lands. While the State of Tamil Nadu had initiated rehabilitation

programmes, survey exercises, boundary demarcation efforts, and phased eviction plans, the CEC noted that the pace of implementation remained inadequate when compared with the scale of the problem.

Against this backdrop, the Supreme Court was called upon to examine the adequacy of the State's response and to formulate a comprehensive framework for eviction of encroachers, rehabilitation of eligible occupants, restoration of forest lands, and protection of the ecological integrity of the Agasthyamalai landscape.

In response to the findings of the Central Empowered Committee (CEC), the State of Tamil Nadu outlined a series of measures aimed at addressing the issue, including rehabilitation and resettlement initiatives, drone and DGPS surveys, boundary demarcation exercises, and phased eviction programmes. The State also reported steps towards recovery of encroached forest land, regulation of unauthorised activities, and action against certain government officials found to be in illegal occupation of protected areas. However, the material on record revealed that the progress achieved remained disproportionate to the magnitude of the encroachments. Large tracts of forest land continued to be under illegal occupation, while habitat degradation, fragmentation of wildlife corridors, and unauthorised infrastructure persisted across the protected landscape.

The proceedings therefore raised broader questions concerning the effectiveness of environmental governance, enforcement of conservation laws, and the State's constitutional obligation to protect ecologically sensitive regions. Against this backdrop, the Supreme Court was called upon to assess the adequacy of the measures undertaken and to devise a structured, time-bound framework for eviction, rehabilitation, ecological restoration, and institutional accountability to ensure the long-term preservation of the Agasthyamalai landscape.

Key Findings of the Court

The Court observed that forest encroachments in the Agasthyamalai landscape were neither recent nor isolated. Instead, they represented decades of administrative inaction, inadequate enforcement, and failure to implement prior judicial directives.

Particularly alarming was the scale of encroachments in the Srivilliputhur-Megamalai Tiger Reserve, where thousands of individuals were found occupying large tracts of reserve forest land. The Court also took serious note of the fact that several serving and retired government officials were among the encroachers.

While acknowledging that the State Government had initiated certain corrective measures, including rehabilitation schemes, drone surveys, and phased eviction plans, the Court concluded that the overall pace of compliance remained grossly inadequate when measured against the ecological urgency of the situation.

Constitutional and Environmental Significance

The judgment constitutes a significant reaffirmation of the constitutional commitment to environmental protection and sustainable governance. The Supreme Court reiterated that the conservation of forests, wildlife habitats, and ecological systems is not merely a matter of statutory compliance but a constitutional obligation flowing from Articles 21, 48A, and 51A(g) of the Constitution of India. By situating environmental protection within the broader framework of constitutional rights and duties, the Court highlights that ecological preservation is integral to the right to life and the well-being of present and future generations.

A notable aspect of the decision is its endorsement of the ecocentric approach to environmental governance. Drawing from established environmental jurisprudence, the Court emphasised that forests and wildlife possess intrinsic value independent of their utility to human beings. The judgment therefore moves beyond an anthropocentric understanding of environmental protection and recognises the need to safeguard ecological systems as indispensable components of the natural order.

The Court also highlighted the exceptional ecological importance of the Agasthyamalai landscape, describing it as a globally significant biodiversity hotspot supporting diverse flora and fauna, including several endangered and protected species. The degradation of such ecosystems, the Court observed, has consequences that extend beyond wildlife conservation and directly impact water security, climate resilience, ecosystem services, and the livelihoods of communities dependent upon these natural resources.

Equally significant is the Court's emphasis on ecological restoration as an essential component of environmental governance. The judgment makes it clear that the State's responsibility is not confined to preventing further degradation; it also extends to restoring damaged ecosystems and reclaiming encroached forest lands. In doing so, the Court reinforces the principle that environmental governance must be proactive, restorative, and directed towards the long-term preservation of ecological integrity.

The decision thus strengthens the constitutional foundation of environmental jurisprudence in India by reaffirming that ecological conservation, habitat restoration, and protection of biodiversity are matters of public trust and constitutional necessity, warranting sustained governmental action and judicial oversight.

Balancing Conservation and Rehabilitation

A significant aspect of the judgment is the Court's effort to balance environmental conservation with the rights and concerns of individuals occupying forest lands. The Court acknowledged that many occupants had resided in these areas for decades and that rehabilitation must remain an integral part of any eviction exercise.

At the same time, the Court made it clear that humanitarian considerations cannot become a basis for indefinitely postponing the removal of encroachments from protected forests. It emphasised that rehabilitation and conservation are complementary objectives that must be pursued simultaneously. While affected persons are entitled to fair and adequate resettlement measures, the State remains under an equally compelling obligation to restore forest lands and protect ecologically sensitive habitats.

The judgment therefore has a balanced approach, one that safeguards the interests of vulnerable communities while ensuring that environmental protection and ecological restoration are not compromised by prolonged delays in enforcement.

Accountability of Public Officials

The judgment places considerable emphasis on institutional accountability, particularly in cases where public officials are themselves involved in encroachments on protected forest lands. The Supreme Court expressed serious concern over the identification of serving and retired government employees among the encroachers, observing that such conduct is incompatible with the duties and responsibilities attached to public office.

Recognising the need for stricter enforcement, the Court directed the State to initiate disciplinary and legal proceedings against the officials concerned and to ensure expeditious removal of such encroachments. The Court further highlights that environmental violations by public servants warrant a stronger institutional response, given their obligation to uphold the law and protect public resources.

Through these directions, the judgment reinforces the principle that accountability for environmental degradation extends beyond private actors and that public authorities must be held to the highest standards of compliance and stewardship.

Major Directions Issued by the Supreme Court

To ensure effective implementation, the Court issued an extensive set of directions, including:

- Preparation of time-bound and division-wise encroachment eviction plans with clearly defined milestones.
- Simultaneous implementation of rehabilitation and ecological restoration measures.
- Monitoring and expedited disposal of pending litigation concerning encroachments.
- Disciplinary and legal proceedings against all identified government servants involved in illegal occupation of forest land.
- Suspension of welfare schemes, infrastructure support, and public utilities within encroached forest areas.
- Prohibition on approval of new non-forestry activities in the Agasthyamalai landscape until encroachments are removed.
- Removal and relocation of all unauthorized government infrastructure, resorts, and commercial establishments from forest areas within a period of 6 months.
- All illegal resorts, commercial establishments, and tourism-related infrastructure operating within the Megamalai area and other forest lands shall be made non-operational forthwith and dismantled in accordance with law and by ensuring minimum disruption to the forest area. All electricity connections and unauthorised transmission lines servicing such encroachments shall also be disconnected and removed forthwith. The aforesaid procedure shall be carried out in the supervision of the CEC.
- Digitisation, geo-referencing, and scientific demarcation of forest boundaries.
- Periodic monitoring by the Central Empowered Committee and submission of compliance reports before the Supreme Court.

The Court also directed continued judicial supervision through periodic status reports to ensure sustained implementation of these measures.

Broader Implications

The judgment has implications extending well beyond the forests of Tamil Nadu.

It reinforces the judiciary’s commitment to protecting ecologically sensitive landscapes and demonstrates that prolonged inaction in matters concerning environmental degradation will not be tolerated. The decision also strengthens the principle that conservation cannot be compromised by administrative delays, political considerations, or institutional inertia.

At a broader level, the ruling is a reminder that environmental governance requires coordinated action, scientific planning, accountability mechanisms, and sustained political commitment. It further highlights the need for governments to integrate conservation objectives with humane rehabilitation policies rather than treating the two as mutually exclusive.

Conclusion

The Supreme Court’s decision in *A. John Kennedy & Others v. State of Tamil Nadu* marks an important milestone in India’s environmental jurisprudence. By directing a time-bound approach to the removal of encroachments, rehabilitation of affected persons, and restoration of degraded forest lands, the Court has reaffirmed that ecological preservation is a constitutional imperative that cannot be deferred indefinitely. The judgment not only strengthens the framework for conservation of protected forests and wildlife habitats but also reinforces the principles of accountability, sustainable governance, and ecological stewardship. As environmental challenges continue to intensify, the ruling is a significant reminder that conservation and development must be pursued within the boundaries of constitutional and environmental responsibility.

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- 1. CIVIL APPEAL NO(S). 6395-6397 OF 2025 (2026 INSC 605) [?](#)

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