

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

Wednesday, the 24th day of September 2025 / 2nd Aswina, 1947
WP(C) NO. 7858 OF 2025(S)

PETITIONER:

BAIJU PAUL MATHEWS, AGED 52 YEARS, PUTHUSSERIL,
 KOTTAKUNNU, SULTHAN BATHERY, WAYANAD, PIN - 673 592

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, FOREST AND WILDLIFE DEPARTMENT GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001
2. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001
3. THE DISTRICT COLLECTOR, KANNUR, COLLECTORATE, KANNUR, PIN - 670 001
4. THE WILDLIFE WARDEN, THE WILDLIFE WARDEN, IRITTY, KANNUR, PIN - 670 703
ADDITIONAL R5 TO R7 IMPEADED
5. ANERT, PMG – LAW COLLEGE ROAD, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM - 695 033, REPRESENTED BY THE CHIEF EXECUTIVE OFFICER.
6. ARALAM GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, MALABAR HILL HIGHWAY, NEAR ARALAM WILD LIFE SANCTUARY, PAYAM, EDOOR, KERALA - 670 704.
7. ARALAM FARMING CORPORATION (KERALA) LIMITED, REPRESENTED BY ITS MANAGING DIRECTOR, ARALAM FARM, KANNUR DISTRICT, KERALA – 670 673. *ADDL. R5 TO R7 ARE SUO MOTU IMPEADED AS PER ORDER DATED 27/06/2025 IN WP(C) 7858/2025.
ADDITIONAL R8 IMPEADED
8. THE TRIBAL REHABILITATION DEVELOPMENT MISSION, REPRESENTED BY THE DIRECTOR, SC/ST DEPARTMENT, AYYANKALI BHAVAN, KOWDIAR P.O, THIRUVANANTHAPURAM, PIN - 695 003.
 *ADDL.R8 IS SUO MOTU IMPEADED AS PER ORDER DATED 06/08/2025 IN WP(C) 7858/2025.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue following Interim reliefs:

1. Short-Term Defensive Mechanisms

- Directing the Respondents to immediately restore and maintain the electric fencing in all critical blocks, with 24x7 watchers or rapid-response squads deployed until a permanent boundary wall and translocation can be effected.

- Ensure that shrubs are trimmed periodically, and small trees cut to ensure visibility and reduce places where elephants can hide.
 - Mandating timely repairs and maintenance of any half-built or damaged portions of the boundary wall, in line with the Minister's assurance.
2. Temporary Relocation if Needed
- In the event that short-term defense measures cannot be fully secured forthwith, temporarily relocate the most vulnerable families to government quarters (e.g., PWD guest houses) with a daily sustenance allowance, until the farmland is rendered safe.
Direct respondent 2 for the same.
3. Immediate Elephant-Drive Operations
- Compel the Respondent Forest Department to chase away or drive out elephants from the settlement area as an interim measure, pending a comprehensive translocation plan.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C), this Court's orders dated 18/07/2025 & 06/08/2025 and upon hearing the arguments of SRI. BAIJU PAUL MATHEWS, Petitioner as Party-In-Person, SRI. NAGARAJ NARAYANAN, SPECIAL GOVERNMENT PLEADER for R1 to R4, M/S. T.R.HARIKUMAR & ARJUN RAGHAVAN, Advocates for R5, SRI. NIRMAL.S, STANDING COUNSEL for R6 and of SRI. V.HARISH, Advocate for R7, the court passed the following:

P.T.0

DR. A.K.JAYASANKARAN NAMBIAR

&

JOBIN SEBASTIAN, JJ.

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Dated this the 24th day of September, 2025

O R D E R

Dr. A.K.Jayasankaran Nambiar, J.

When this matter was taken up today, we found to our consternation that, despite the direction in the order dated 18.07.2025 to sanction and make available the equipment listed out in the table in the said order to the Departments and the District Collector concerned, adequate steps have not been taken to make available the said equipment on an urgent basis. The tables produced before us had indicated that an expenditure of approximately Rs.1 Crore had to be incurred urgently by the State Government for the purposes of making available the essential equipment and facilities for safeguarding the lives and property of people residing in the Aralam Area. While we would have expected the State Executive to procure the essential equipment and facilities on a war footing by invoking Section 50 of the Disaster Management Act, we are appalled by the delay that has been occasioned in the procurement of the essential equipment and facilities. This sorry state of affairs cannot be permitted to continue.

2. Under the above circumstances, we direct that the equipment listed out in our earlier order dated 18.07.2025 shall be immediately

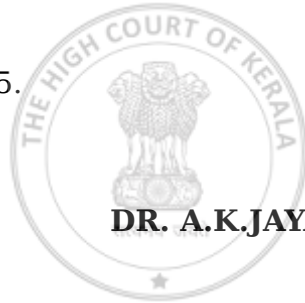
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procured and made available to the Department concerned by invoking the emergency procedure within an outer time limit of two weeks from today. Post on 15.10.2025 for reporting compliance with the above direction.

3. The learned Special Government Pleader (Forest) Sri.Nagaraj Narayanan also assures us that a copy of the Minutes of the Meeting in which the decision to re-imagine the solution for Aralam Farm was discussed will be placed before us by the next date of posting.

Post on 15.10.2025.



Sd/-

DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-

JOBIN SEBASTIAN
JUDGE

mns