

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 22nd day of October 2025 / 30th 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 & 24/09/2025 and upon hearing the arguments of SRI. BAIJU PAUL MATHEWS as Party-In-Person for the petitioner, SRI. NAGARAJ NARAYANAN, SPECIAL GOVERNMENT PLEADER (FOREST) 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.

W.P(C) No.7858 of 2025

Dated this the 22nd day of October, 2025

O R D E R

Dr. A.K.Jayasankaran Nambiar, J.

When this matter was taken up today, it was brought to our notice by the learned Special Government Pleader (Forest), Sri. Nagaraj Narayanan, based on an affidavit filed on behalf of the Divisional Forest Officer, Kannur Division, that the procurement of the various equipment listed out in the table in the order dated 18.07.2025 has been substantially completed. Of the 8 items that were mentioned in the table, actual receipt has been recorded in respect of 6, and while the items shown in Sl.Nos.1 and 2 are expected to be received shortly, alternate arrangements have been put in place, in the meanwhile.

2. Regarding the construction of solar fencing, which was an item of work proposed by the District Collector, Kannur, it is stated that an estimate for Rs.37.36 lakhs prepared by ANERT has been sanctioned by the CCF (Northern Circle), and the work has been entrusted to ANERT. The follow-up in that regard will be made by the District Collector, and a report with regard to the progress of that work will be intimated to this Court by the next date of hearing. It is further stated that Farm guards have already been installed as proposed by the District Collector.

:2:

WP(C) No.7858 of 2025

3. The learned Special Government Pleader (Forest), Sri. Nagaraj Narayanan undertakes to provide a clarification with regard to the decision taken at the meetings held subsequent to the video conferencing held with this Court in the presence of the Chief Secretary with regard to reimagining the solution for Aralam Farm. It is submitted that the clarification would be made available by the next date of hearing.

4. During the course of the discussions today, the learned Special Government Pleader (Forest), also brought to our notice three Government Orders dated 21.02.2025, 23.04.2025, and 03.05.2025, respectively, which deal with the setting up of State Emergency Operation Centre, and District Emergency Operation Centre in the Forest Department, a proposal for Rapid Response Vehicle for Veterinary, Medical & Surgical Management under the Chief Veterinary Surgeon of Kerala, Forest and Wildlife Department as also for setting up and strengthening of tool rooms under the Rapid Response Teams (RRTs) in Kerala to mitigate human wildlife conflict. Although by the said orders, the State Government has sanctioned significant amounts to the respective Departments for utilisation in connection with human

:3:

W.P(C) No.7858 of 2025

wildlife conflict mitigating operations, and the measures were to be implemented emergently, we are informed that the follow-up action and consequent disbursal of the amounts to the Departments concerned have not materialised till date. In our view, the State Executive cannot be seen dragging its feet in matters which are of an urgent nature, more so when the funds are sanctioned for utilisation as a part of a disaster management exercise. We, accordingly, direct the Secretary, Disaster Management Department to forthwith ensure that the amounts envisaged in the Government Orders referred above are made available to the respective Departments, within an outer time limit of two weeks from today. The learned Government Pleader shall communicate the outcome of the above direction to us by the next date of posting.

Post on 12.11.2025.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
JOBIN SEBASTIAN
JUDGE

mns