

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 19th day of November 2025 / 28th Karthika, 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 Respondent R3 and R4 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 R4 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 order dated 22/10/2025 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.

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Dated this the 19th day of November, 2025

O R D E R

Dr. A.K.Jayasankaran Nambiar, J.

During the course of the interactions had today with the petitioner as also with the other officials, the petitioner pointed out that while the legal hurdles in the way of continuation of the construction work for the 10 KM wall at Aralam have been removed and steps are afoot to continue with the wall construction, there is a necessity to have a re-look at the design that has been approved for the rail fencing, which forms a part of the 10 KM stretch of wall construction. It is his specific case that, insofar as the design of the rail fence is based on the understanding that used rails will be welded together, there is a possibility that the rail fence would be structurally weak at those places where welding has taken place. It is the submission of the petitioner that rail fences constructed out of used rails have been demonstrated to be weak at the point of welding in Wayanad, and hence it would be desirable that the Public Works Department (PWD) takes a fresh look at the design proposed for the rail fence.

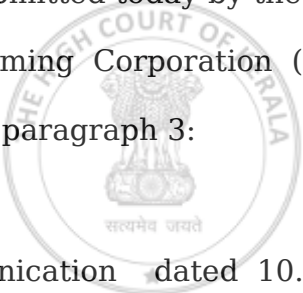
2. When the Assistant Executive Engineer of PWD, who was

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present at the video conferencing today, was asked for his comments, he submitted that after going through the proposals submitted by the petitioner and discussing the matter with him personally, he would furnish his comments on the points highlighted by the petitioner in this regard. The Assistant Executive Engineer shall ensure that his comments on the proposals submitted by the petitioner in respect of the retaining wall and proposed rail fence are made available before this Court within 10 days.

3. A memo was submitted today by the learned counsel for the 7th respondent (Aralam Farming Corporation (Kerala) Limited), wherein the following is stated at paragraph 3:



“3. Communication dated 10.11.2025 issued by the Managing Director of the 7th respondent farm addressed to me, requesting to highlight before the Honourable Court the need for immediate financial assistance for clearing dense unwanted vegetation in Blocks 1-5 of the farm, which has become a major hiding and passageway for wild elephants and to ensure the safety of workers and to prevent further wildlife-human conflict, with reference to the communication dated 03.11.2025.”

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4. It is stated by the learned counsel for the 7th respondent placing reliance on a letter dated 10.11.2025 of the Aralam Farming Corporation (Kerala) Limited addressed to him that while a request has been submitted with the District Collector, Kannur, for necessary financial assistance from the Disaster Management Fund for carrying out the essential de-weeding activities and safety measures to protect human lives in the Tribal Rehabilitation and Development Mission (TRDM) area, there has been no response from the said office. On interacting with the officials from the District Collectorate, Kannur, we are told that the letter addressed to the District Collector, Kannur, seeking financial assistance will be considered immediately, and suitable action will be taken. Apprehending a situation where an objection might be raised with regard to the utilisation of funds which, the learned Special Government Pleader (Forest) has informed us will be available for utilisation within two days pursuant to the assurance given by the Additional Secretary, Disaster Management, we direct that the District Collector, Kannur, may also consider utilisation of the above funds received from the Government for incidental purposes other than procuring the machinery required for tackling human-animal conflict situation. By necessary implication, this would include even measures such as de-weeding and clearance of shrubs within the TRDM area so that the instances of elephant incursion into the said area are

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minimised.

5. It is further brought to our notice that about 257 tribal students, along with 47 teachers of a Model Tribal Residential School situated in Thirunelly, Wayanad, have been relocated at the instance of the Tribal Department of the State to premises within the TRDM area in the proximity of Aralam Farm. On interaction with the Divisional Forest Officer, we are given to understand that this relocation has been resorted to notwithstanding the request made by the Forest Department, as also the District Collector, Kannur, to re-examine the decision to relocate the students and teachers as above. The request to re-examine the decision of the Tribal Department was made after taking note of the fact that the retaining walls around the TRDM area in Aralam are in a state of disrepair, and there is a high probability of wild elephants entering into the TRDM area.

6. While we are rather perplexed at how the Tribal Department could have rushed into taking such a decision and thereafter implementing the same by re-locating the students and teachers aforementioned to the TRDM area, we direct the Director SC/ST Department to forthwith, and at any rate before Monday (24.11.2025), submit an affidavit clarifying the basis on which such a decision was

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taken notwithstanding the caution that was advised by the Divisional Forest Officer, Kannur, as also the District Collector, Kannur, in the minutes dated 26.07.2025 of the Meeting held under the Chairmanship of the District Collector, Kannur.

Post on 26.11.2025.

Sd/-

DR. A.K.JAYASANKARAN NAMBIAR
JUDGE



Sd/-

JOBIN SEBASTIAN
JUDGE

mns