

**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 26th day of November 2025 / 5th Agrahayana, 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 19/11/2025 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 26th day of November, 2025

O R D E R

Dr. A.K.Jayasankaran Nambiar, J.

Pursuant to the last order dated 19.11.2025, when the matter was taken up today, an affidavit has been placed before us, filed by the Director, Scheduled Tribes Development Department, clarifying the position with regard to the translocation of 257 students, including 129 girl students, from their present school at Thirunnelli, Wayanad, to Aralam Farm MRS. The circumstances under which the translocation of the students and teachers was necessitated are described in paragraphs 2 to 19 of the affidavit dated 22.11.2025. In particular, paragraphs 6 to 19 state as follows:

6. The option of shifting the children to the Nehru Yuva Kendra. Mananthavady, was examined pursuant to a suggestion by the Hon'ble Minister. However, the facility could only accommodate 40 to 50 students, which was inadequate for the entire strength of 257 students (129 girls and 128 male students) and 47 teachers. The Aralam Farm Model Residential School was the only functional infrastructure capable of accommodating them immediately in the vicinity.

7. An active and fully functioning Model Residential School exists at Aralam Farm under the Scheduled Tribes Development Department. This newly constructed school was assessed to have the necessary infrastructure to temporarily host the students and teachers of the Thirunnelli school.

8. Based on the assessment and the report of the Tribal Development Officer, Mananthavady, it was found that the Aralam Model Residential School (hereinafter "MRS") had

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adequate classrooms, residential space and basic facilities to ensure continuity of education and safety of the students.

9. Accordingly, the Department sanctioned the temporary functioning of Thirunnelli MRS to Aralam MRS premises.

10. The primary administrative basis for the transfer was the detailed report of the District Collector, Wayanad, who is the Executive committee Chairman of MRS categorically stated that the Thirunnelli school building was unsafe and required urgent evacuation of all students. This constituted an imminent danger to the safety of the children.

11. The officers of this department further confirmed that no other suitable building was available in the Mananthavady region that could accommodate the full strength of 257 students, especially girl students requiring secure and adequate residential amenities.

12. The temporary arrangement proposed at Nehru-Yuva Kendra at Mananthavady, Wayanad was found to be grossly insufficient due to limited capacity. Therefore, Executive Committee Chairman's findings made immediate relocation essential for safeguarding the welfare of the tribal students.

13. Aralam Farm contains a functioning Pre-Matric Girls Hostel (total 56 students) (Block No. 7) and a High School (Block no 8); both located in the TRDM area. They provide safe, hygienic and adequate facilities for students and they are located in the vicinity of the MRS (Block No. 7 parts 2).

14. Considering that 129 girls at Thirunnelli were compelled to stay in makeshift classroom arrangements with poor sanitation, the availability of a functioning Model Residential School was a decisive factor for the transfer.

15. The Director, Scheduled Tribes Development Department has sanctioned an amount of Rs.40,37,758 (Rupees Forty Lakh Thirty-Seven Thousand Seven Hundred and Fifty-Eight Only.) for immediate preparatory works at Aralam for accommodating the transferred students.

16. In contrast, the Thirunnelli campus could not provide even the basic minimum residential conditions for the students due to dilapidation and structural instability.

17. The decision to transfer Thirunnelli Ashramam MRS to

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Aralam Farm MRS was taken in good faith, considering the avoidance of drops outs, urgent safety risks, and infrastructural deficiencies at Thirunnelli. The relocation was made only after examining all feasible alternatives and determining that Aralam MRS was the only institution with adequate infrastructure to safely accommodate the affected students and staff.

18. Moreover, before shifting the students and teachers to Aralam Farm MRS, clearing of weeds and electrification of the MRS was undertaken cautiously to avoid any inconvenience to the students. Additionally, the compound wall around the school was revamped to avoid possibility of incursion by wild elephants and other wild animals into the school compound so as to ensure protection of students, teachers and staff. Now the compound wall is intact. Furthermore, the Department is in the process of installing High Mast Lights and CCTV cameras and arranging additional security personnel. The students, are already under the strict supervision of the staff of the Department and they will remain under enhanced surveillance. The Managing Director, Aralam Farm, has also been entrusted with additional charge to oversee the functioning of the MRS and to ensure the safety of the students, teachers and staff of the Aralam Farm MRS.

19. There is strict instructions by the department to ensure that the students do not venture outside their residential structures, even inside the compound premises, from 6.00 PM. to 8.00 AM next day. Furthermore, a Rapid Response Team of the Forest Department is functioning in the proximity of the Aralam Farm MRS.

2. Having gone through the affidavit, and having heard the petitioner as well as the learned Government Pleader and the learned counsel representing the Aralam Farm, and having interacted with the office of the District Collector, Kannur, through video conference, we are of the view that, considering the present situation in Aralam Farm and the TRDM area, where incidents of human-animal conflict have been reported, there is an urgent need for fortifying the wall area around the school in question. Towards

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this end, as a temporary measure, electric fencing could be put in place around the school so as to safeguard the interests of the children and the teachers who have been translocated therein.

3. We therefore direct the Director, Scheduled Tribes Development Department, to immediately coordinate with the District Collector, Kannur, who is also the head of the Disaster Management Authority in Kannur District, so as to pool the resources and put in place a solar electric fence in the area around the school in question. The needful shall be done on a war footing and as an emergency measure within a week from today, and the development shall be intimated before this Court by the next date of posting.

4. During the interaction, the petitioner also flagged instances of incessant elephant incursions into paddy fields in Vadakkanad, Wayanad District. Apparently, there is a stretch of almost 28.1 kms where the existing fence is in a state of disrepair.

5. On interacting with the Wildlife Warden of the Wayanad Wildlife Sanctuaries, who is present at the video conference today, he assures that he will endeavour to put in place new fences capable of detecting instances of shortening on or before 15.12.2025, based on the assurance given by the contractors. It is stated that if the new fences are put in place, replacing the existing old-technology fences,

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it would significantly reduce the incursion of elephants into the said area. The Wildlife Warden of the Wayanad Wildlife Sanctuaries shall file a report before this Court by 15.12.2025, giving the details of the developments in that regard.

Post on 10.12.2025.

SD/-**DR. A.K.JAYASANKARAN NAMBIAR****JUDGE****SD/-**

sab

**JOBIN SEBASTIAN
JUDGE**