

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR
Friday, the 23rd day of July 2021 / 1st Sravana, 1943
WP(C) NO. 21207 OF 2020(A)

PETITIONER:

1. K.V.SEBASTIAN, AGED 58 YEARS S/O.K.J.VARKEY, RESIDING AT KANNAMTHARA, CHAMMEL P.O., THAMARASSERY, KOZHIKODE-673573.
2. P.M.ABDUL MAJEED, AGED 45 YEARS S/O.IMBICHAHAMMED HAJI, RESIDING AT VAPPANAMPOYIL HOUSE, THAMARASSERY, KOZHIKODE-673573.
3. RAGHUPRASAD P.C., AGED 53 YEARS S/O.NARAYANAN NAIR, RESIDING AT PULICHUDALAYIL HOUSE, KUMARANALLOOR P.O., MUKKAM, KOZHIKODE-673602.
4. ANNIE SHYAM, AGED 68 YEARS W/O.SHYAM MUDALIAR, RESIDING AT JAMAICA HOUSE, MYSORE MALA P.O., MUKKAM, KOZHIKODE-673602.
5. JACOB PUNNEN, AGED 75 YEARS S/O.P.C.PUNNOOSE, RESIDING AT FATHIMA HOUSE, MYSORE MALA P.O., MUKKAM, KOZHIKODE-673602.
6. E.D.SEBASTIAN, AGED 57 YEARS S/O.DEVASSIA, RESIDING AT EDAMALA HOUSE, KOOMPARA P.O., MARAMCHATTY, KOZHIKODE-673604.

RESPONDENT:

1. THE STATE OF KERALA REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. THE STATE BOARD FOR WILDLIFE, FOREST HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM-695014, REPRESENTED BY ITS MEMBER SECRETARY, CHIEF WILDLIFE WARDEN.
3. THE DEPARTMENT OF FOREST AND WILDLIFE, GOVERNMENT OF KERALA, 5TH FLOOR, SECRETARIAT (ANNEX I), THIRUVANANTHAPURAM-695001, REPRESENTED BY ITS PRINCIPAL SECRETARY.
4. THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA, INDIRA PARYAVARAN BHAVAN, JARBAGH ROAD, NEW DELHI-110003.
5. THE CHIEF WILD LIFE WARDEN, FOREST HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM-695014.

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 direct the 5th Respondent to take immediate measures to employ necessary hunters who should act promptly on the request of the Petitioners, or permit the Petitioners and those affected in the areas of cultivation, to take action under S.11 1(b) of the Wild Life Protection Act, 1972 to prevent the attack of the wild boars, pending disposal of the above Writ Petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S M.S.AMAL DHARSAN Advocate for the petitioners, M/S Mr.SUDHINKUMAR K., CENTRAL GOVERNMENT COUNSEL for R4 and of the SPECIAL GOVERNMENT PLEADER for R1, R2, R3 & R5, the court passed the following:



P.B.SURESH KUMAR, J.

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Dated this the 23rd day of July, 2021

ORDER

Heard the learned counsel for the petitioners, the learned Central Government Counsel appearing in the matters as also the learned Special Government Pleader (Forests).

2. Petitioners in these writ petitions are agriculturists holding lands in Pathanamthitta, Malappuram and Kozhikode Districts. The grievance voiced by the petitioners in the writ petitions concerns the destruction of the crops in their agricultural lands on account of the large scale intrusion of wild boars from the nearby forest. The case set out by the petitioners in the writ petitions, in essence, is that the various steps taken by the respondents to avert the menace posed by wild boars under Section 11(1)(b) of the Wild Life (Protection) Act, 1972 (the Act) did not yield any result and the petitioners are consequently put to irreparable injury and loss. The petitioners, therefore, seek directions to the

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Central Government to declare wild boars as vermin in the affected areas in the State, invoking the power under Section 62 of the Act.

3. It is seen that having been convinced of the grievance voiced by persons similarly placed like the petitioners, during November 2020, the State Government has requested the Ministry of Environment, Forest and Climate Change, Government of India to declare wild boars as vermin in the problematic areas of the State. In terms of the provisions of the Act, if wild boars are declared as vermin, it can be hunted by the persons concerned to prevent damage to their life and property. The proposal of the State Government aforesaid was returned by the Ministry during December 2020 suggesting to make use of the provisions contained in Section 11(1)(b) of the Act for the purpose of averting the menace, utilizing the services of Panchayat Raj Institutions. It is also seen that on 17.06.2021, the State Government has taken up the matter again with the Ministry of Environment, Forest and Climate Change, Government of India to declare wild boars as vermin in the problematic areas in the State, pointing out that the various steps

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taken by the State Government since 2011 did not yield any result. The Central Government is yet to take any final decision on the request made by the State Government on 17.06.2021.

4. Under Section 11(1)(b) of the Act, the Chief Wildlife Warden is empowered, if he is satisfied that any wild animal specified in Schedule II, Schedule III or Schedule IV, has become dangerous to human life or to property including standing crops on any land, to permit by order in writing any person to hunt such animal or group of animals in that specified area.

5. Insofar as it is seen that the properties of the petitioners are under threat of the attack of the wild boars and insofar as the stand of the State Government is that the steps taken under Section 11(1)(b) of the Act to avert the said menace did not yield any result and that the only alternative to protect the interests of the farmers is to declare wild boars as vermin in specified areas in the State, I deem it appropriate to pass an interim order directing the Chief Wildlife Warden to permit the petitioners to hunt wild boars in the areas where their agricultural lands are situated, as

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provided for in Section 11(1)(b) of the Act. Ordered accordingly. The direction aforesaid shall be complied with, within a month.

Sd/-

P.B.SURESH KUMAR, JUDGE

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