



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

WEDNESDAY, THE 13TH DAY OF DECEMBER 2023/22ND AGRAHAYANA, 1945

WP(C) NO. 41754 OF 2023

PETITIONER:

ANIMALS AND NATURE ETHICS COMMUNITY (ANEC),
THIRUNILATH BUILDING, HOUSE NO. 269/33 C. K.
VENUGOPALAN ROAD, NETTOOR, P.O., ERNAKULAM
REPRESENTED BY MANAGING TRUSTEE, RESMI R., PIN -
682040

BY ADVS.
DENU JOSEPH
SANTHOSH T.S.
MUHISEENA.V.Z
MANJU M.K.

RESPONDENTS :

- 1 UNION OF INDIA REPRESENTED BY SECRETARY
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE C.G.O
COMPLEX, LODHI ROAD, PARYAVARAN BHAWAN, NEW DELHI -,
PIN - 110003
- 2 THE DIRECTOR,
WILDLIFE CRIME CONTROL BUREAU IIND FLOOR, TRIKOOT-1
BHIKAJI CAMA PLACE, NEW DELHI., PIN - 110066
- 3 THE STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY FOREST &
WILDLIFE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM ., PIN - 695001
- 4 PRINCIPAL CHIEF CONSERVATOR OF FOREST
(WL) & CHIEF WILDLIFE WARDEN, KERALA FOREST
HEADQUARTERS, VAZHUTHAKKAD, THIRUVANANTHAPURAM., PIN -



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695014

5 THE CHIEF CONSERVATOR OF FORESTS
OFFICE OF CHIEF CONSERVATOR OF FORESTS (NORTHERN
CIRCLE) KANNUR., PIN - 670001

OTHER PRESENT:

CGC SUVIN R. MENON; SPL.GP.FORESTS NAGARAJ NARAYANAN;
ADDL.AG ASHOK M. CHERIAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13.12.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



A. J. Desai, C.J.

&

V.G. Arun, J.

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W.P(C).No.41754 of 2023

Dated this the 13th day of December 2023

JUDGMENT

A.J. Desai, C.J.

The present writ petition in the nature of Public Interest Litigation has been filed challenging the order dated 10/12/2023 issued by the Principal Chief Conservator of Forest (WL) & Chief Wildlife Warden, Kerala, directing the Chief Conservator of Forests(Northern Circle) Kannur to take appropriate steps to eliminate the tiger that had attacked and killed a human being in Moodakkolly area of Irulam Forest Station in Chedieth Range under the South Wayanad Forest Division. It is the case of the petitioner that Ext.P1 order impugned in the writ petition, is cryptic in nature, violative of various provisions of the Wildlife Protection Act and not a reasoned one passed in accordance with the guidelines issued by the National Tiger Conservation Authority under Section 38(0) of Wildlife (Protection) Act, 1972.

2. Learned Counsel appearing for the petitioner, by taking us through the guidelines, particularly Annexure-II of the Guidelines, would submit that before passing such orders,



requisite procedure is to be followed by the Authority concerned. Learned Counsel would therefore submit that the impugned order ought to be set aside and appropriate directions issued.

3. On the other hand, learned Additional Advocate General appearing for the respondents opposed the writ petition and submitted that, in the order impugned, it is clearly stated that the Authority is supposed to take action for eliminating the tiger only after following the guidelines of the National Tiger Conservation Authority issued in November 2019. Learned Counsel therefore submits that the writ petition ought to be dismissed.

4. We have heard the learned Advocate appearing for the parties.

5. In the writ petition the following prayers are made;

i). To issue a writ of certiorari or any other writ, order or direction calling for records leading to Ext.P1 and to quash Exhibit P1.

ii). To issue a writ of mandamus or any other writ, order or direction calling upon the respondents herein to take strict and stringent measure to stop the attempt to shoot or tranquilize any wild life carnivore including tiger without strictly following Exhibit P2 SOP



iii). Such other order as requested by the petitioner from time to time, which this Hon'ble Court deems fit to grant;

6. The relevant portion of the order dated 10/12/2023 passed by the Principal Chief Conservator of Forests(WL) & Chief Wildlife Warden, Kerala reads as follows;

"Read:

1. Letter No. KFDNC/2142/2023-CCFNC/R dated 09/12/2023 of Chief Conservator of Forests(Northern Circle), Kannur.

2. Experts Committee report vide No:KFDCNC/2142/2023-CCFNC/R dated 10/12/2023.

3. Proceeding Order No. WL1-8023/2023 dated 10/12/2023.

In continuation to the proceedings vide 3 cited above, the further steps suggested are as follows

1. It is to be established undoubtedly that the animal which killed the man was the same before the operation.

2. The maximum effort to either to cage or tranquilize the animal shall be taken as per the NTCA norms.

3. If the animal cannot be captured or tranquilized and it is established as a man eater, the same animal shall be killed under Section 11(1)(a) of Wildlife (Protection) Act, 1972, with strict adherence to the provisions of the section



and the guide lines of NTCA as the tiger become dangerous to the human life in the area. The entire operation shall be carried out meticulously under the supervision of CCF (Northern Circle). The service of Medical Team, RRT shall be ensured. The entire operation shall be photo graphed and video graphed and detailed report shall be submitted.”

7. It appears that the tiger had attacked and killed a human being in Moodakkolly area of Irulam Forest Station. To stop such further attacks, the Chief Conservator of Forest, who is also the Chief Wildlife Warden of Kerala, has passed Ext.P1 impugned order. Ext.P1 order was passed after referring to earlier communications and the report of the Expert Committee. The first clause of the order makes it clear that, unless it is undoubtedly established that the animal is the one that had killed the man, no steps to kill the animal shall be taken. As per Sub clause (2), maximum efforts to either to cage or tranquilize the animal shall be taken as per the NTCA norms. Similarly, clause (3) also contain detailed directions.

8. In view of the above facts and the order impugned being a well reasoned one, passed on the basis of the report of the Expert Committee, we are of the considered opinion



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that the this Public Interest Litigation has been filed with motives which are known to the petitioner alone.

Hence, we dismiss the writ petition with cost of Rs.25,000/-(Rupees Twenty Five Thousand only). The amount shall be deposited with the Kerala Legal Service Authority within a period of two weeks from today.

Sd/-

A. J. Desai
Chief Justice

Sd/-
V.G. Arun
Judge

dpk



APPENDIX OF WP (C) 41754/2023

PETITIONER EXHIBITS

Exhibit.P1 TRUE COPY OF THE ORDER NO. WL1-8023/2023 DATED
10.12.2023 ISSUED BY THE 4TH RESPONDENT

Exhibit.P2 TRUE COPY OF THE RELEVANT PORTION OF STANDARD
OPERATING PROCEDURES AND TIGER SAFARI GUIDELINES
ISSUED BY NATIONAL TIGER CONSERVATION AUTHORITY,
MINISTRY OF ENVIRONMENT, FOREST, & CLIMATE CHANGE,
GOVERNMENT OF INDIA (U/S 38(O) OF
WILDLIFE (PROTECTION) ACT, 1972) NOVEMBER, 2019