
(2021) 07 KL CK 0302

In the High Court Of Kerala

Case No : Writ Petition (C)Nos. 21207 Of 2020, 12496 Of 2021

K.V.Sebastian

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 23-07-2021

Acts Referred:

Wild Life Protection Act, 1972 — Section 11 (1)(b), 62

Citation : (2021) 07 KL CK 0302

Hon'ble Judges : P.B.Suresh Kumar, J

Bench : Single Bench

Advocate : M.S.Amal Dharsan, Sudhinkumar K

Final Decision : Disposed Of

Judgement

P.B.Suresh Kumar, J

1. 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 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 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 provided for

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