2026:KER:90737

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**&**

**THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.**

**TUESDAY, THE 24TH DAY OF NOVEMBER 2026/3RD AGRAHAYANA, 1948**

**WP(PIL) NO. 242 OF 2026**

**PETITIONER**

**PRINCE CHACKO**
**AGED 42 YEARS**
**S/O. CHACKO, MALAYIL HOUSE, NALUKODI P.O.,**
**CHANGANACHERRY, KOTTAYAM,, JOINT SECRETARY,**
**VOICE FOR ANIMALS & ENVIRONMENT FOUNDATION.,**
**PIN - 686548**

**BY ADV SHRI.ANISH LUKOSE**

**RESPONDENTS**

1 **STATE OF KERALA**
**REPRESENTED BY THE SECRETARY, FOREST &**
**WILDLIFE DEPARTMENT, GOVERNMENT SECRETARIAT,**
**THIRUVANANTHAPURAM., PIN - 682031**

2 **PRINCIPAL CHIEF CONSERVATOR OF FORESTS**
**(WILDLIFE) AND CHIEF WILDLIFE WARDEN, KERALA,**
**IS LOCATED AT THE KERALA FOREST DEPARTMENT**
**HEADQUARTERS (VANALAKSHMI), NANDAVANAM,**
**VAZHUTHACAUD, THIRUVANANTHAPURAM,**
**KERALA, PIN - 695014**

3 **THE DISTRICT COLLECTOR**
**IDUKKI DISTRICT,COLLECTORATE, KUYILIMALA,**
**PAINAV P.O., IDUKKI, KERALA –, PIN – 685603**

**4 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (MOEFCC),INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD,NEW DELH1, PIN - 110003**

**SRI.BIJO FRANCIS, G.P.**

**THIS WRIT PETITION (PUBLIC INTEREST LITIGATION) HAVING COME UP FOR ADMISSION ON 24.11.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**J U D G M E N T**

(Dated this the 25th day of November 2026)

Syam Kumar V.M.,J.

Petitioner claims to be a ‘public spirited citizen’ and ‘social activist’. He has filed this W.P (PIL) raising concerns regarding a wild elephant spotted at Chinnakanal, Idukki District which frequently forays into human settlements. The local residents have named it ‘Chakkakomban’. Petitioner has sought the following reliefs:

> “i. Issue a writ, order or direction in the nature of Mandamus or such other appropriate writ, order or direction, staying "Mission Chakkakompan" and restraining the respondents from tranquilizing, capturing, translocating or undertaking any operation against Chakkakompan, pending disposal of this writ petition or until further orders of this Hon'ble Court.
>
> ii. Issue a writ, order or direction staying or quashing the prohibitory order under Section 144 in Chinnakanal, insofar as it prevents peaceful and lawful monitoring by animal welfare representatives and media, subject to lawful safety restrictions.
>
> iii. Issue a writ, order or direction directing the respondents to conduct a scientific study regarding Anathara, elephant food areas, habitat loss, encroachment, fencing, elephant corridors and human disturbance in

Anayirankal catchment, 301 Colony, Chinnakanal and adjoining areas, and submit a report before this Hon'ble Court.

iv. Issue a writ, order or direction directing the respondents to identify and take appropriate lawful steps to remove encroachments and obstructions affecting elephant corridors and habitats in Anayirankal catchment, 301 Colony, Chinnakanal and adjoining areas.

v. Issue a writ, order or direction restraining the respondents from tranquilizing, capturing, translocating or undertaking intrusive operations against Chakkakompan, Padayappa or any other wild elephant in the Munnar landscape without scientific assessment, proper veterinary safeguards, full videography, disclosure of the drug and dosage protocol and fixation of responsibility on the officers concerned, and subject to such prior judicial permission as this Hon'ble Court may direct.

vi. Issue a writ, order or direction directing an enquiry into the procurement and proposed use of radio collars, including the scientific justification, quotations, procurement procedure, cost and alternatives considered.

vii. Issue a writ, order or direction directing the respondents to implement non-invasive monitoring, early-warning systems, tourist regulation, public awareness programmes and scientifically appropriate measures to prevent human-elephant conflict.

viii. Grant such other appropriate writ, order or direction and further reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case."

2. We have heard Sri.Anish Lukose, Advocate, for the

petitioner. Sri. Bijo Francis, Spl. Government Pleader forest appears for respondents 1 and 2.

3. The PIL is filed mainly seeking urgent intervention of this court to prevent the proposed tranquilization of the wild elephant and to put on hold the operation to capture it, which is stated to be presently underway. According to the petitioner, irreversible harm will be caused to the said elephant by such action. The reliefs sought in the PIL, as could be seen from above, are however multifarious. The pleadings, we note, are slip shod and the affidavit accompanying the PIL is not in accordance with the mandates of the Rules. Hence we deemed it relevant to consider at the threshold the question of bona fides of the petitioner and his locus to maintain the PIL.

4. At the outset we note that Petitioner claims to be the Secretary of an entity by the name “Voice for Animals and Environment Foundation”. However, he states that the PIL is not filed in the name of the said entity. No details are forthcoming regarding the nature of the said entity, nor its registration, if any. Nothing has been disclosed regarding the causes that either the petitioner or the said foundation had taken up in the past to further the object or cause that the

name of the entity proclaims or signifies. Petitioner states in the affidavit that notwithstanding him being the Secretary of the organization working for the cause of animal protection, the PIL has been preferred in his personal capacity and not on behalf of the said entity. The affidavit annexed to PIL further states that the same has not been preferred on behalf of any class of persons and that the PIL has been filed by him in his personal capacity and not as a body of persons. Petitioner admittedly is a resident of Nalukodi P.O, Changanacherry, Kottayam District. The concern that he has raised is with respect to an elephant said to be situated at Chinnakanal Idukki District. No nexus or connection with the incidents involving the relevant wild elephant that concerns the petitioner is revealed. The affidavit accompanying the PIL is seen drafted in a careless and slipshod manner. The name of an institution which has nothing to do with the subject matter of the PIL has also crept into the affidavit, which could be discounted as a 'Paste-O' or as a cut and paste error. However, on a conjoint reading of the WP (PIL) and the Affidavit accompanying the same, we have genuine doubts regarding the bonafides of the petitioner in filing this W.P(PIL). We further note that the PIL does not meet the

mandates for preferring Public interest Litigations as crystallised in the catena of decisions rendered by the Supreme Court.

5. It is trite and settled that frivolous public interest litigations should be discouraged, and that public interest litigation which is an important jurisdiction carefully carved out, created and nurtured with great care and caution by the courts, should not be permitted to be blatantly abused by filing some petitions with oblique motives. [See the guide lines relating to PIL laid down in **State of Uttaranchal v. Balwant Singh Chaufal & Ors.** (2010) 3 SCC 402].

6. In **Tehseen Poonawala v. Union of India & Ors.** (2018) 6 SCC 72) the Supreme Court referring to ***Balwant Singh Chaufal*** (supra) held as follows:

> *"**98.** The misuse of public interest litigation is a serious matter of concern for the judicial process. Both this Court and the High Courts are flooded with litigations and are burdened by arrears. Frivolous or motivated petitions, ostensibly invoking the public interest detract from the time and attention which courts must devote to genuine causes. This Court has a long list of pending cases where the personal liberty of citizens is involved. Those who await trial or the resolution of appeals against orders of conviction have a legitimate expectation of early justice. It is a travesty of justice for the resources of the legal system to be consumed by an avalanche of misdirected petitions purportedly filed in the public*

> *interest which, upon due scrutiny, are found to promote a personal, business or political agenda. This has spawned an industry of vested interests in litigation. There is a grave danger that if this state of affairs is allowed to continue, it would seriously denude the efficacy of the judicial system by detracting from the ability of the court to devote its time and resources to cases which legitimately require attention. Worse still, such petitions pose a grave danger to the credibility of the judicial process. This has the propensity of endangering the credibility of other institutions and undermining public faith in democracy and the rule of law. This will happen when the agency of the court is utilised to settle extra-judicial scores. Business rivalries have to be resolved in a competitive market for goods and services. Political rivalries have to be resolved in the great hall of democracy when the electorate votes its representatives in and out of office. Courts resolve disputes about legal rights and entitlements. Courts protect the rule of law. There is a danger that the judicial process will be reduced to a charade, if disputes beyond the ken of legal parameters occupy the judicial space."*

It is thus settled that a Public Interest Litigation must essentially reveal that a substantial public interest is involved in the matter and that the same has been filed for redressal of a genuine public harm or public injury. Petitions filed by busybodies for extraneous and ulterior motives have to be discouraged, and frivolous petitions and petitions filed for extraneous considerations should be nipped at the bud. The Public Interest Litigation filed by the petitioner does not

reveal satisfaction of any of the above said requirements

6. In view of the above, the Public Interest Litigation preferred by the petitioner does not pass the initial threshold. It is also relevant to note that along with the PIL the petitioner has produced a communication ( Ext. P2) from the Chief Wild Life Warden to the petitioner wherein it has been stated that the present operation undertaken is for Radio Collaring and tracking of the relevant elephant and that the only intention of the administration is to carryout the same. It has also been stated therein that steps are being taken to clear hurdles in the traditional elephant corridor and to make lives of elephants and people safer in Chinnakanal area. Thus the concerns that the petitioner has raised in the WP (PIL) no longer subsist with the said clarification from the Chief Wild Life Warden

7. We note that nothing is disclosed in this W.P(PIL) to show that larger public interest is involved in the matter. The subject matter is not so grave and urgent that the extraordinary jurisdiction of PIL has to be invoked. The bonafides of the petitioner is highly doubtful. This PIL is yet another example of an action initiated by the petitioner for achieving his few moments of glory in the press and the

media.

We see no reason to entertain the same. W.P(PIL) is dismissed. The cause is however left open to enable it to be pursued, if so found necessary, by bonafide hands.

Sd/-

**DR. A.K.JAYASANKARAN NAMBIAR**
**JUDGE**

Sd/-

**SYAM KUMAR V.M.**
**JUDGE**

smm

**APPENDIX OF WP(PIL) NO. 242 OF 2026**

**PETITIONER EXHIBITS**

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| **Exhibit P2** | **A COPY OF THE COMMUNICATION TO THE CHIEF WILDLIFE WARDEN DATED 23.11.2026** |
| **Exhibit P3** | **A COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 23.11.2026 TO THE CHIEF WILDLIFE WARDEN** |
| **Exhibit P4** | **A COPY OF THE ANNOUNCEMENT/POSTER WITH ENGLISH TRANSLATION** |