

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

Monday, the 22nd day of May 2023 / 1st Jyaishta, 1945
SSCR NO. 14 OF 2023

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER
REPORT - SM.NO.14/2023 - REPORT SUBMITTED BY THE SPECIAL COMMISSIONER,
SABARIMALA REGARDING THE CRIMINAL TRESPASS OF UNAUTHORIZED PERSONS IN TO THE
SACRED 'PONNAMBALAMEDU' FORMING PART OF THE CORE ZONE OF PERIYAR RESERVE - SUO
MOTU PROCEEDINGS INITIATED - REG:

PETITIONER:

SUO MOTU

RESPONDENTS:

1. UNION OF INDIA

REPRESENTED BY ITS SECRETARY (MOEFCC), MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAWAN,
JORBAGH ROAD, NEW DELHI - 110 003

2. STATE OF KERALA,

REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001

3. STATE POLICE CHIEF,

POLICE HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM - 695 010

4. THE TRAVANCORE DEVASWOM BOARD,

REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM - 695 003

5. THE DEVASWOM COMMISSIONER,

TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCODE,
THIRUVANANTHAPURAM, PIN - 695 005

6. THE EXECUTIVE OFFICER,
SABARIMALA, TRAVANCORE DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM-695 003
5. CHIEF VIGILANCE SECURITY OFFICER
(SUPERINTENDENT OF POLICE - VIGILANCE),
TRAVANCORE DEVASWOM HEAD QUARTERS, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM - 695003
8. PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
THIRUVANANTHAPURAM - 695014
9. DEPUTY DIRECTOR,
PERIYAR WEST DIVISION, PEERUMEDU, IDUKKI - 685531
*ADDITIONAL R10 & R11 IMPLEADED
10. THE DISTRICT POLICE CHIEF,
PATHANAMTHITTA, PIN - 689645
11. THE STATION HOUSE OFFICER,
MOOZHIYAR POLICE STATION, MOOZHIYAR, PATHANAMTHITTA DISTRICT,
PIN- 689662
- *ARE SUO MOTU IMPLEADED AS THE ADDITIONAL RESPONDENTS 10 AND 11
VIDE ORDER DATED 22/05/2023 IN SSCR 14/2023.

BY DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.S.RAJMOHAN, SR.GOVERNMENT PLEADER
BY STANDING COUNSEL FOR TRAVANCORE DEVASWOM BOARD
BY SRI.N.RAGHURAJ, AMICUS CURIAE FOR SABARIMALA SPECIAL
COMMISSIONER

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR
ADMISSION ON 22.05.2023, UPON PERUSING THE REPORT, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:

ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.

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Dated this the 22nd day of May, 2023

O R D E R

Anil K. Narendran, J.

The District Police Chief, Pathanamthitta, Pin - 689645 and the Station House Officer, Moozhiyar Police Station, Moozhiyar, Pathanamthitta District, Pin- 689662 are suo motu impleaded as the additional respondents 10 and 11.

The learned Deputy Solicitor General of India enters appearance for the 1st respondent.

The learned Senior Government Pleader enters appearance for respondents 2, 3, 8, 9 and additional respondents 10 and 11.

The learned Standing Counsel for Travancore Devaswom Board enters appearance for respondents 4 to 7.

The report filed by the Special Commissioner, Sabarimala is regarding criminal trespass of certain unauthorized persons into the sacred 'Kalthara' of Ponnambalamedu which is inside the core area of Periyar Tiger Reserve, West Division, a wildlife sanctuary, coming within the Pamba Range of Pachakkanam Forest Station. Regarding the incident O.R.No.1 of 2023 has already been registered at Pachakkanam Station of Pamba Range, under Sections 27 and 51 of the Wildlife Protection Act and Section 27(1)(e)(iv) of the Kerala Forest Act and the report in form No.1 has already been forwarded to the Judicial First

SSCR No.14 of 2023

Class Magistrate Court, Ranni. A crime has also been registered as Crime No.127 of 2023 of Moozhiyar Police Station, alleging commission of offence under Sections 295, 295A, 447 and 34 of the India Penal Code and the investigation is going on.

In the report of the Special Commissioner, Sabarimala, the decision of this Court in **Sreeni Pattathanam v. State of Kerala [2011 (3) KHC 33]** has also been referred to.

Having considered the report of the Special Commissioner, Sabarimala and also the submissions made at the Bar, we deem it appropriate to direct the learned Senior Government Pleader to get necessary instructions from the 9th respondent Deputy Director and also the additional 10th respondent District Police Chief on the present stage of the investigation in O.R.No.1 of 2023 and Crime No.127 of 2023.

The learned Deputy Solicitor General of India seeks time to get instructions from the 1st respondent and the learned Standing Counsel for Travancore Devaswom Board seeks time to get instructions from respondents 4 to 6.

List on 24.05.2023.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

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