

ജി.കെ.എസ്.ഐ. ലെഡ് ലൈനുകളുടെ ഭരണകാര്യം
തൊഴിലിനു വേണ്ടി താഴെത്തന്നെ നവീകരണ ചെലവുകൾ
ലൈനുകളുടെ നവീകരണങ്ങൾക്കും മറ്റുമുള്ളവയ്ക്കും തന്നെ
സുരക്ഷിതമായി കഴിഞ്ഞു തന്നെ വിട്ടുപോകുന്ന
ലൈനുകളും സമീപിക്കുന്നു.

13. ഭരണകാര്യം വർദ്ധിക്കുന്ന മേഖലകളിൽ
സംസ്കരണങ്ങൾ കൈമാറ്റം ചെയ്യുന്നു.

14. സർവ്വീസുകൾ 3-ാം കേന്ദ്രം സെക്ഷൻ
തന്നെ കേന്ദ്രങ്ങൾ കൈമാറ്റം ചെയ്യുന്നു. തിരുവനന്തപുരം
കിഴക്കൻ ഭാഗത്ത് നിലവിലുള്ള തിരുവനന്തപുരം
സെക്ഷൻ.

15. ഭരണകാര്യം സർവ്വീസുകൾ കൈമാറ്റം
ചെയ്യുന്നു.

1.0.640/87. 8.342/87-
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1.0.629/87 " 291/87 22.6-
0.5.132/87 22-6-87.

Defendants

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കുടുംബ ക്ലേശനിവൃത്തിക്കായി
O.S. 368/85

N. ബാ. ദുരൂഹ ക്ലേശ പേര് - അന്യരും
ക്ലേശ രാ. പ്. അളക്കൂട്ടം - പ്രതികര

ക്ലേശങ്ങൾ വന്നതിനെ തുടർന്ന്
പ്രാർത്ഥനാർത്ഥം സഹായം ന. ബാ. ദുരൂഹ s/o ബാ. ദുരൂഹ
35 വയസ്സ്, ഭൃഷി, നാഷ്ട്രി, നന്മയുള്ളവർക്ക് സഹായം
കൊടുക്കണമെന്നും.

1. ഞാൻ കേൾക്കുന്നതിൽ 1-1 അന്യരും
2-20 അന്യരും കൂടി വേണ്ടി ഇടവേളി
സഹായിക്കണമെന്നും.

2. കേൾക്കുന്നതിൽ ആരെങ്കിലും
നിന്നുണ്ട് 'വരികൾ' സംബന്ധിച്ച വിവര
മുഖ വിവരങ്ങൾ അറിയാൻ ഒരു local
inspection നടത്തി ഒരു റിപ്പോർട്ട് കിട്ടേണ്ടത്
അത്യന്തമുഖ്യമാണ്. ഇക്കാര്യം വളരെ വേഗം
നടപ്പാക്കേണ്ടതാണ്.

അതുകൊണ്ട് സഹായം
കൊടുക്കണമെന്നും വരികൾ നേരിട്
പരിശോധിച്ചു ഒരു റിപ്പോർട്ട് അറിയാൻ
അപേക്ഷിക്കുന്നു. ഇതുകൾ നന്മ -

പ്രതികര

N. ബാ. ദുരൂഹ

IN THE COURT OF THE MUNSIF,

KALPETTA

O.S.

/85

Between :-

1. N. Badusha S/o Khansa,
aged 35 years
Naikutty P.O.
S.Battery.
2. K.V. Janardhanan,
S/o Pachukutty
aged 35 years
accountant, Yeskay Corporation
Kalpetta.

Plaintiff.

And :-

1. The State of Kerala,
represented by Chief
Secretary to Government
of Kerala, Trivandrum.
2. The Chief Conservator
of Forests (wild life)
Office of the C.C.F
& Vazhuthakad, Trivandrum.
3. Conservator of Forests,
Northern Circle
Office of the Conservator
of Forest, Civil Station P.O.
Calicut.
4. Divisional Forest Officer,
T - Division
Kozhikade, Civil Station P.O.
Calicut.

5. The Forest Rang Officer,
Sultan's Battery Range
P.O. Kuppadi, S.Battery.
6. The Live Stock Forester,
Sultan's Battery Forest Range
P.O. Kuppadi, S.Battery.
- Defendants.

Plaint presented under section 26 Order 7 rule 1 r/w section 91 (1) (b) of the code of Civil procedure 1908.

1. Ist plaintiff is residing is Sultan's Battery Village and Taluk of Wynad District and 2nd defendants is residing in Kalpetta Village of Vythiri Taluk and Wynad District and the address for service of all notices and processes on the defendants are as shown above.

2. The address for service of all notice and processes on the defendants are as shown above.

3. Sultan's Battery Range of Reserve Forest Contiguous to the Reserve Forest of Karnataka and Tamilnadu was very ~~xxxx~~ rich in nations welth of flora and fauna.

4. The unscrupulous Government Officials and Public were destroying the rich reserve Forest for their private profit without any discrimination. To check the indiscriminate destruction of the Forest wealth the Government of India was pleased to declare this part of the Reserve Forest including Sultan's Battery Forest range as wild life sanctuary and center and state Governments prohibited hunting, Shooting trapping and snaraing of any animal, bird, or fish or poison water in the forest.

In August 1979 the India Board of wild ~~xx~~ life recommended that wild elephants should not be captured in Kerala and Certain other States (Vide letter No.1-8-79 FRY (WL) dated 4-8-79 of the ~~Z&Z~~ Asst., Inspector General of Forest (WL) Government of India).

5. Prior to the declaration of this part of Reserve Forest as wild life sanctuary the Government of Kerala had dug several pits in side the forest to trap the wild elephants. On 11-1-85 an elephant calf fell in one of the pits (Vafikuzhi) and defendants 2 to 6 Official ls of defendant No.1 with the help of other employees and labourers took the elephant calf out of pit and lead to the cage inflicting serious injuries and using cruel methods. The elephant calf was brutally tortured in the cage fortaming the calf. The heart breaking news items of torture were published in all local news papers.

6. Ist defendant who is spending a huge amount for the protection of wild life and also financing and encouraging societice for preventing cruety to animal, through its own Officers have done brutal attack on the small lovely innocent elephant calf.

7. Since the elephant traping is against law and against the interest of the society the defendants ought to have filled the pits dug to trap the elephant and ought have sent free the elephant calf which fell in the pit.

8. The prople of the locality through memorandum and through press reports demanded to let free the elephant calf. But the demand has not been complied with. Hence the suit.

9. Since the wrong ful act done by the defendants are affecting the public the plaintiffs have the right to move the Court for proper remedy.

10. The plaintiffs caused to be seved notice on the defen-dants u/s 80 of the code Civil proedure 1908. But demand was not com-plied with.

11. The cause of action for this suit arose 11-1-85 the date on which the elephant calf was trapped and my plaintiffs came to know about the trapping and existance of pits in the Reserve Forest and at Sultan's Battery Taluk of Wynaad District with in the jurisdic-tion of this Hon'ble Court.

The Value of the suit for the purpose of Court fee and jur-isdiction is as shown below:

Value of the suit for the Manadatory injunctions	: Rs. 150.00
Court fee paid	: Rs. 12.00

The plaintiff's Therefore pray that this Hon'ble Court may be pleased to pass a decree :-

i) directing the defendants by mandatory injunctions to fill all the pits dug to trap the elephant (Varikuzhi) in the reserve forests of Kerala and the elephant calf trapped on 11-1-85 from Sultan' Battery forest range be sent free to the forest.

ii) awarding the cost of the plaintiff's in the suit

iii) such other reliefs which the plaintiff may pray for and the Hon'ble Court may deem fit to grant

Dated this the 1st day of September 1985.

Advocate.

Plaintiff's.

VERIFICATION

We, N. Badusha S/o Khansa and K.V. Janardhanan S/o Pachukutty plaintiff's in the above case do hereby declare that the statements in the plaint are true to the best of are knowledges in formation and belief.

Dated this the 1st day Septemeber 1985.

Plaintiff.

LIST OF DOCUMENTS

Sl.No.	Date	Executed By whom	Executed To whom	Description	Purpose
1*	20-3-85	Plaintiffs through C.C. Mathew, Advoca- cate.	Defendants	Legal notice with postal receipts and acknowledgements	For Evide- nce
2.	13-1-85	- - - - -	- - - - -	Mathrubhumi Daily , Daily.	...
3.	17-2-85	- - - - -	- - - - -
4.	5-2-85			Kerala Kaumudi	...

The above documents are produced herewith

Dated this the 1st day of September 1985.

Advocate.

കുടുംബ മുൻനിർദ്ദേശിക്കുന്ന മൂലം

O.S. 368/85

N.ബാബു മൂക്കുപേര് - അന്യായം
സ്റ്റേഷൻ ഓഫ് കോളേജ് മൂക്കുപേര് - പ്രതികര

സ്വന്തമായി ബഹുമാനപ്പെട്ട സർക്കുലർ പ്രസിദ്ധീകരിക്കുന്ന
നാമത്തിൽ N.ബാബു S/O ചാൻസ് 35 വയസ്,
മുട്ടി, നല്ലൂരി, സത്യമ്മിത്തേൻ ബോധിപ്പിക്കുന്ന
അപരിചിതൻ.

1. താൻ മേൽ നമ്പറിൽ 1-ാം അന്യായ
അപരാധം. 2-ാം അന്യായത്തിൽ കൂടിവേണ്ടി
ഈ കാര്യം ബോധിപ്പിക്കുന്നതാകുന്നു.

2. മേൽ നമ്പറിൽ അന്യായം ചെയ്യുന്ന
തിനുള്ള "വരികുപിടുക" ബഹുമാനപ്പെട്ട കോടതി
യിൽ നിന്നും നേരിട്ട് പരിശോധിച്ചു റിപ്പോർട്ട്
നൽകുന്നതിന് കാര്യം ബോധിപ്പിച്ചിട്ടുണ്ട്.
അന്യായങ്ങൾ ചെയ്ത കാര്യം പ്രകാരം മേൽ
അന്യായം കൊടുത്തതാകുന്നു. ബഹുമാനപ്പെട്ട
കോടതിയിൽ നിന്നും വരികുപിടുക പരിശോധിച്ചു
നൽകുന്നതിന് കാര്യം അന്യായങ്ങൾ ചെയ്ത
മുണ്ട്. കാര്യം കേൾക്കുന്നതിന് കാര്യം നൽകുന്നു.
കാര്യം ചെയ്ത പറ്റി വരികുപിടുന്നതിന് സൂചിപ്പിച്ചു.

അതുകൊണ്ട് ബഹുമാനപ്പെട്ട കോടതി
വേണ്ടുന്നതുപോലെ മേൽനമ്പറിൽ local inspection നടത്ത
നൽകുന്നതിന് ചിലപ്പോൾ വരികുപിടുക പ്രതികരണം
ചെയ്തു അന്യായങ്ങൾ ചെയ്തതാകുന്നു.

—ഒന്ന്—

കുലന മൂന്നിമു കോടതി മൂന്നാമതെ
D. R. / 82
O.S. 368/85

N. ബാലുച്ചി - ചാങ്ങി
K.V. ജനാർദ്ദനൻ നമ്പ്യാ

ഗവൺമെന്റ് റവറേണ്ടി
ട്രിബൂണൽ ചേർന്നു ചെങ്കുളം
പ്രതികര

മേൽ നമ്പരിൽ നമ്പ്യാക്കു നീതി വരു
നീതിയിൽ നടപടി കൂട്ടാ 15.10.82 മുതൽ
ബോധിപ്പിക്കുന്ന ചാങ്ങി.

ഈ ചാങ്ങി ബോധിപ്പിക്കുന്ന ചാങ്ങിയിലെ
വിറ്റിൽ പറഞ്ഞിരിക്കുന്ന കാരണങ്ങൾ
local inspection നുള്ള ചിലവു വഹിക്കുന്നതിൽ
പ്രതികരണം കഴിഞ്ഞു ഉത്തരവുണ്ടാകുന്നതിൽ
അപേക്ഷിക്കുന്നു.

—ഒന്ന

നമ്പ്യാക്കു.

To
The Manager
Advt. Department
Mathrubhumi Daily
Covent

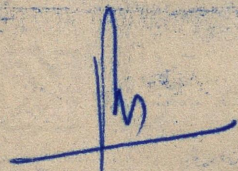
കോടതി ചരച്ചു

കുലന മുൻപിൽ കോടതി മുഖാമുഖം
O S 368/85

1. N. ബാബു } അന്യവാദി
2. K.V. ജഗദീഷ് } }

സ്റ്റേറ്റ് ബാങ്ക് കോടതി } കോടതി
മുൻപിൽ

സ്റ്റേറ്റ് ബാങ്ക് കോടതി മുൻപിൽ
നിന്നും 11.1.85 ന് അന്യവാദി വിജയകൃഷ്ണൻ
വിട്ടയക്കുന്നതിനും കോടതിയിലെ വിജയകൃഷ്ണൻ
എന്ന പേരിൽ കോടതിയിൽ നിന്നും കോടതിയിൽ
നിന്നും കോടതിയിൽ കോടതിയിൽ കോടതിയിൽ
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എൻ


കുലന
10.1.86

സി.സി. മി.സി.
അന്യവാദി സി.സി. മി.സി.

രേഖലിപ്പ്

നമ്പർ തീയതി ഓർഡറിലൂടെ ഓർഡറിലൂടെ രേഖപ്പെടുത്തേണ്ടതും.

1 21.4.79 ബാലർ ചെട്ടി ശ്രീ. ഗോപാലകൃഷ്ണൻ കൃഷ്ണമൂർത്തി സ്വരൂപം - തൃശ്ശൂർ.

2 22.3.86 ഇ. ജി. ജി. വി. ലേക്ടർ ഹിന്ദി)) നിർദ്ദേശിച്ച്))

ഓരോ നമ്പർ രേഖപ്പെടുത്തേണ്ടതും ഇതേ രേഖപ്പെടുത്തിയ ബാലർ ചെട്ടിയിലേക്കും.

ഫീസ് 1986 ജൂലൈ 25ന്

ശ്രീ. ഗോപാലകൃഷ്ണൻ.

Remarks

Date

IN THE COURT OF THE *MUNSHIFF*
KALPETTA — ~~S. BATHERY~~

No. *D.S. 368/85*

Complainant
Plaintiff
Petitioner
Appellant

*N. Badhusha
K.V. Janardhanan*

U/S

Accused
Defendant
Respondant

*state of Kerala
and others*

For *plaintiffs*

Remarks

Date

*Dismissed on
9.3.87
New CA filed on 9/7/09*

ADVOCATES

- 1. C. C. MATHEW M. A. LL. B.
- 2. K. T. SULOCHANA B. A. LL. B.

BEFORE THE MUNSIFF COURT, KALPETTA
O.S. 368/85

N Bhadusha & K.V. Janardhane - - - Plaiiffs
State of Kerala represented
by Chief Secretary to Govt:
of Kerala & 5 others - - - Defendents

Written statement filed by the Chief Secretary to Govt; of Kerala the 1st defendant, for and on behalf of himself and for others.

1. This defendant denies all the material allegations in the plaint except those expressly admitted here under.

2. The Suit is not maintainable and is filed without any bonafides. ~~Some orders taken by the Department is in good faith to save the animal from possible death.~~

3. It is submitted that the Sultan Battery Range continues to be very rich in Flora and Fauna and nothing to homper the wealth is done by the defendants. The preservation of this wealth is the concern of the department and Government.

4. The Forest Department is very vigilant to prevent any sort of damage being caused to the Forests and wild life. No licence for hunting, shooting, trapping or snaring are issued under W.L.(P) Act 1972, within the said area. Elephant capturing operations are not undertaken in the State. The alligations in para (4) of the plaint is hereby denied.

5. It is further submitted that chances of pits, dug during the period when elephant capturing operations were undertaken, still remaining open are very remote. No pits are wilfully left open by the Department with the intention of trapping wild elephants. In fact, open pits cannot be treated as trape. A pit covered to capture elephant only will constitute trap. Appegations that pits are left open to capture elephants is denied. The particular baby elephant

of xx. Section 66 of the wild life W.L. Act 1972, stipulates that no prosecutions or other proceedings shall be against Govt; or its Officers or employees for anything done in good faith under the Act.

referred to in para (5) of the plaint, accidentally fell into an open pit and sustained serious injuries. Unless proper treatment is afforded, after outpitting, Chances of survival of this pit fallen elephant, if let free with the forests are very remote. It was this aspect that forced the department to outpit the elephant calf and bring to the elephant camp at Muthanga in order to protect it and treat the wounds. Being a wild animal treatment cannot be done without eaging. The animal is now quite healthy and has been taken out from the eage. Also it is being allowed to go along with the other departmental elephants for grazing in the natural forests.

6. The allegations made in para (6) of the plaint are not correct and hereby denied.

(7). It is submitted that an open pit will never constitute a 'trap'. Elephant calf can sustain injury by falling at any such open place. It is neither necessary nor practicable, to fill all open pit in the forest either dug out pits or natural pits. The possible thing is to give treatment to such wounded elephant. Therefore in this case also, the Departmental Officers considered that the letting free of such pit fallen elephants would be detrimental from the point of view of wild life protection and would amount to cruelty to these wild animals. Action taken by the Department is in good faith to save the animal from possible death. Section 60 of wild life W.L.(p) Act 1972, stipulates that no suit, prosecution or other proceedings shall lie against government or its officers or employee for anything done in good faith under the act.

8. The dug out pits which are uncovered for a long time are proposed to be filled up in due course. Thus the possible danger from the pits may get diminished in the long run. Filling of pits would entail huge expenditure besides causing damage to the vegetation. So it is not considered worthwhile to fill all the pits. Further more the Forests are

abound in natural pits and ravines which occasionally prove dangerous to the wild animals. However, the dug out pits in the sancturies will be closed. The baby elephant in question, after prolonged treatment and care has got tamed and it is allowed to graze in natural forests along with other departmental Elephants. There is no necessity to sent it free. The plaintiffs in the suit have no genuine grievence.

9. For the reasons stated above the Plaintiffs are not entitled to get any remedies prayed for.

It is therefore, prayed that the Hon'ble Court may be pleased to dismiss the suit with cost of the defendants'.

Dated this 1986.

Chief Secretary to Govt.
1st Defendant of Kerala.

The facts stated above are true and correct to the best of my knowledge, belief and information .

Chief Secretary to Government.

issues

- 1, ask the suit is maintainable
 - 2, whether the plaintiffs are entitled to get a mandating injunction?
 - 3, what order as to costs.
-

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IN THE COURT OF THE MUNSIFF, KALPETTA

O.S.

/85

Between :-

1. N. Badusha S/o Khanse,
aged 35 years,
Naikutty P.O.
S.Battery.
2. K.V. Janardhanan,
S/o Pachukutty
aged 35 years
accountant, Yeskay Corperation
Kalpetta.

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Plaintiff

And :-

1. The State of Kerala,
represented by Chief
Secretary to Government
of Kerala, Trivandrum.
2. The Chief Conservator
of Forests (wild life)
Office of the C.C.F
Vazhuthakad, Trivandrum.
3. Conservator of Forests,
Northern Circle
Office of the Conservator
of Forest, Civil Station P.O.
Calicut.
4. Divisional Forest Officer,
T - Division,
Kozhikade, Civil Station P.O.
Calicut.

*Conservator
and
D. U.*

5. The Forest Range Officer,
Sultan's Battery Range
P.O. Kuppadi, S.Battery.

6. The Live Stock Forester,
Sultan's Battery Forest Range
P.O.Kuppaxdi, S.Battery.

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Defendants.

Plaint presented under section 26 Order 7 rule 1 r/w section 91 (1) (b) of the code of Civil procedure ~~1908~~ 1908.

1. Ist plaintiff is residing in Sultan's Battery Village and Taluk of Wynad District and 2nd defendants is residing in Kalpetta Village of Vythiri Taluk and Wynad District and the address for service of all notices and processes on the defendants are as shown above.

2. The address for service of all notices and processes on the defendants are as shown above.

3. Sultan's Battery Range of Reserve Forest Contiguous to the Reserve Forest of Karnataka and Tamilnadu was very ~~xxx~~ rich in nations wealth of flora and fauna.

4. The unscrupulous Government Officials and Public were destroying the rich reserve Forest for their private profit without any discrimination. To check the indiscriminate destruction of the Forest wealth the Government of India was pleased to declare this part of the Reserve Forest including Sultan's Battery Forest range as wild life sanctuary and centre and State Governments prohibited hunting, Shooting, trapping and snaring of any animal, bird, or fish or poison water in the forest.

In August 1979 the India Board of wild life recommended that wild elephants should not be captured in Kerala and Certain other States (Vide letter No. 1.8.79 FRY (WL) dated 4.8.79 of the Asst. Inspector General of Forest (W L) Government of India).

5. Prior to the declaration of this part of Reserve Forest as wild life sanctuary the Government of Kerala had dug several pits in side the forest to trap the wild elephants. On 11.1.85 an elephant calf fell in one of the pits (Vafikuzha) and defendants 2 to 6 Officials of defendant No.1 with the help of other employees and labourers took the elephant calf out of pit and lead to the cage inflicting serious injuries and using ~~xxx~~ cruel methods. The elephant calf was brutally tortured in the cage for

taming the calf. The heart breaking news items of torture were published in all local news papers.

6. Ist defendant who is spending a huge amount for the protection of wild life and also financing and encouraging societice for preventing cruetly to animal, through its own Officers have done brutal attack on the small lovely innocent elephant calf.

7. Since the elephant traping is against law and against the interest of the society the defendants ought to have filled the pits dug to trap the elephant and ought have sent free the elephant calf which fell in the pit.

8. The prople of the locality through memorandum and through press reports demanded to let free the elephant calf. But the demand has not been complied with. Hence the suit.

9. Since the wrong full act done by the defendants are affecting the public the plaintiffs have the right to move the Court for proper remedy.

10. The plaintiffs caused to be seved notice on the defendants u/s 80 of the code Civil procedure 1908. But the demand was not complied with.

11. The cause of action for this suit arose 11.1.85 the date on which the elephant calf was trapped and my plaintiffs came to know ~~about~~ about the trapping and existance of pits in the Reserve Forest and at Sultan's Battery Taluk of Wynad District with in the jurisdiction of this Hon'ble Court.

The Value of the suit for the purpose of Court fee and jurisdiction is as shown below:

Value of the suit for the Manadatory injunctions	: Rs. 150.00
Court fee paid	: Rs. 12.00

The plaintiff's Therefore pray that this Hon'ble Court may be pleased to pass a dcree :-

1) directing the defendants by ~~mandatory~~ mandatory injunctions to fill all the pits dug to trap the elephant (Varkuzhi) in the reserve forests of Kerala and the elephant calf trapped on 11.1.85 from Sultan's

Battery forest range be sent free to the forest.

ii) awarding the cost of the plaintiff's in the suit

iii) such other reliefs which the plaintiff may pray for and the Hon'ble Court may deem fit to grant

Dated this the ~~15th~~ 18th day of september 1985.

Advocate.

Plaintiff's.

VERIFICATION:

We, N. Badusha S/o Khansa and K.V. Janardhanan S/o Pachukutty plaintiff's in the above case do hereby declare that the statements in the plaint are true to the best of are knowledgeds in formation and belief.

Dated this the ~~18th~~ 18th day septemeber 1985.

Plaintiff.

LIST OF DOCUMENTS

Sl.No.	Date	Exxecuted		Description	purpose
		By Whom	To Whom		
1	20.3.85	Plaintiffs through C.C Mathew, Advocate	Defendants	Legal notice with postal receipts and acknowledgements	For Evide- nce
2	13.1.85	- - - -	- - - -	Mathrubhumi Ddly	..
3	17.2.85	- - - -	- - - -
4	5.2.85			Kerala Kaumudi	..

The above documents are produced herewith

Dated this the ~~18th~~ 18th day of september 1985.

Advocate.

For com
Advocate

Presented on : 19.9.85

[Handwritten signature]

IN THE COURT OF THE MUNSIFF, KALPETTA

O.S. ³⁶⁸ ~~380~~ /85

Between:

1. N. Badusha
2. K.V. Janardhanan

Plaintiff.

by
C. C. Mathew
Advocate
S. Battery

And:

1. State of Kerala represented by the chief secretary
2. The chief conservator of forests (wild life)
3. Conservator of forests Northern circle
4. Divisional forest Officer T. Division
5. The forest Range Officer S. Battery Range
6. The Live Stock forested, Sultan's Battery Range.

Defendants

SUIT FOR MANDATORY INJUNCTION

Value : Rs. 150.00
C.F. paid : Rs. 12.00

19.10.85
~~*21.12.85*~~
31.10.85
30.1.86