



W.P.(MD) No.12924 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.12924 of 2023

Professor M.Gopal

... Petitioner

-VS-

- 1.The District Collector
Office of the Collectorate
Theni-625 531
- 2.The Superintendent of Police
Theni
Theni District-625 531
- 3.The District Forest Officer
Theni Division
KRR Nagar
Housing Board Colony
Theni-626 531

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the Respondents 1 to 3, for constitution of a committee of experts from wildlife and Tamilnadu Government and assess the damage caused to the property and people by the elephant by name “Arikomban” from 27.05.2023 onwards in cumbum and neighbouring villages in Theni District and further compensate for the said damages sustained by the people and property in cumbum, Theni District and also handover the elephant by name “Arikomban” to the Government of Kerala after obtaining an undertaking from them that they would keep track and will not let the said elephant stray into tamilnadu state, and in the event of Government of Kerala refusing to take back the elephant “Ari Komban” or refuse to give undertaking then, invoke section 11(1) of the Wild Life Protection Act, 1975 to hunt the said elephant “Ari Komban” as it has caused destruction of property and caused severe injury to the people in cumbum and neighbouring villages in Theni District and would continue to cause havoc as it is always in search of rice and gur for consumption from shops in residential areas.

For Petitioner : Mr.S.P.Srinivasan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.K.S.Selvaganesan
Additional Government Pleader



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.K.S.Selvaganesan, learned Additional Government Pleader, takes notice for the respondents.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus directing the Respondents 1 to 3, for constitution of a committee of experts from wildlife and Tamilnadu Government and assess the damage caused to the property and people by the elephant by name “Arikomban” from 27.05.2023 onwards in cumbum and neighbouring villages in Theni District and further compensate for the said damages sustained by the people and property in cumbum, Theni District and also handover the elephant by name “Arikomban” to the Government of Kerala after obtaining an undertaking from them that they would keep track and will not let the said elephant stray into tamilnadu state,



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and in the event of Government of Kerala refusing to take back the elephant “Ari Komban” or refuse to give undertaking then, invoke section 11(1) of the Wild Life Protection Act, 1975 to hunt the said elephant “Ari Komban” as it has caused destruction of property and caused severe injury to the people in cumbum and neighbouring villages in Theni District and would continue to cause havoc as it is always in search of rice and gur for consumption from shops in residential areas and further pass such other orders as it may deem fit and thus render Justice.”

4. Mr.Veera Kathiravan, learned Additional Advocate General, assisted by Mr.K.S.Selvaganesan, learned Additional Government Pleader, appearing for the respondents, would submit that after considerable efforts, the animal in question, namely, the male elephant Ari Komban has been captured early this morning at about 01.00 a.m. It is now being treated by a team of Doctors belonging to the Forest Department and Veterinary Department.

5. As regards compensation is concerned, learned Additional Advocate General would submit that compensation has been paid for a death



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case and damage to an Auto and in other cases, the Department is in the process of assessing compensation and he assures the Court that the same will be paid in the very near future. He would also add that the animal in question will be translocated in a suitable location in the Kalakkad Mundanthurai Tiger Reserve, at the earliest.

6. Recording the above submission, this writ petition is closed.

No costs.

[R.S.M., J.]

[L.V.G., J.]

05.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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