



W.P.No.31555 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2026

CORAM :

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.31555 of 2023

AND

W.M.P.No.32894 of 2023

Mr. Alok Aswani Gupta
S/o. Ashwani Gupta
235, Mazal Waddo, Assagao,
Bardez, North Goa - 403507

Petitioner(s)

Vs

1.State of Tamil Nadu
Rep. by its Additional Chief Secretary
Environment, Climate Change & Forests Department
Secretariat, Fort St. George, Chennai - 600 009

2.State of Tamil Nadu
Rep. by the Chief Wild Life Warden
Forest Department, Government of Tamil Nadu
Panagal Maligai, Saidapet, Chennai - 600 015

3.The Commissioner
Hindu Religious & Charitable Endowments Department,
Nungambakkam, Chennai - 600 034

4.Sri Mayurnathaswamy Temple
Rep. by its Trustee, Mayiladuthurai, Tamil Nadu

Respondent(s)



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st and 2nd respondents to consider representations dated 05.08.2023 and 14.08.2023 and consequently take steps for the compassionate retirement and rehabilitation of the captive elephant Abhayambigai to an appropriate life time care facility.

For Petitioner(s): Mr. Suhrit Parthasarathy

For Respondent(s): Mr. R.Veeramani
Government Pleader for RR1 and 2

Mr. M.Veerabathran Prasanth
Government Advocate (HR&CE) for R3

Mr.K.P.Sanjeev Kumar for R4

ORDER

(Made by G.ARUL MURUGAN, J.)

The present writ petition, styled as a Public Interest Litigation, has been filed seeking a direction to the first and second respondents to consider the representations dated 05.08.2023 and 14.08.2023 and to take steps for compassionate retirement and rehabilitation of the captive elephant Abhayambigai.

2. The petitioner claims to be an animal rights activist and has established an NGO for environmental and animal rights. It is stated that, Abhayambigai is one of the captive elephants in the State with the Mayurnathaswamy Temple, Mayiladuthurai, for the last 50 years,



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and the elephant is conservatively estimated to be 56 years of age as of January 2023.

3. When the petitioner visited the fourth respondent temple, he observed the unhealthy condition and poor daily maintenance of the elephant and filed a complaint with the Chief Wildlife Warden. A Committee was appointed for inspection where certain recommendations were made, but still, no effective steps have been taken to improve the elephant's welfare. Hence, the petitioner has filed the present writ petition.

4. Mr.Suhrith Parthasarathy, learned counsel for the petitioner, contended that since the captive elephant at the fourth respondent temple is more than 60 years of age, and as per Rule 10 of the Tamil Nadu Captive Elephant (Management and Maintenance) Rules, 2011, (hereinafter referred to as "Rules, 2011") the elephant must be granted compassionate retirement. He further submitted that the elephant is being maintained under poor condition without sufficient care and proper facilities and if the representations submitted by the petitioner in this regard are considered and disposed of by the second respondent, the issue could be sorted out.



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5. Per contra, Mr. R.Veeramani, learned Government Pleader appearing for the first and second respondents submitted that inspections have already been conducted and it has been ensured that proper facilities in compliance with the rules are provided and the captive elephant is in healthy condition and that the apprehensions of the petitioner are totally misplaced.

6. Mr.K.P.Sanjeev Kumar, learned counsel appearing for the fourth respondent temple, submitted that a certificate of ownership has been issued in favour of the temple under the Wildlife Protection Act, 1972, and the elephant Abhayambigai is being properly taken care and all the facilities are provided, and contended that the writ petition has been filed with a vested interest.

7. Heard the submissions and considered the materials available on record.

8. The petitioner primarily raised two contentions. First, that since the elephant has attained 60 years of age, the elephant cannot be subjected to any work and must be granted compassionate



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retirement under Rule 10 of the Rules, 2011, and second, that the elephant's shelter consists of concrete flooring without proper facilities, due to which the captive elephant is put to great suffering. In this regard, it is useful to refer to Rule 10, which reads as follows:

"10. Retirement of elephants

(1) No elephant shall be put to any work on attaining the age of sixty years;

Provided that healthy elephants above sixty years of age may be allowed to put to light work under proper health certificate from the veterinary doctor and with previous permission of Chief Wildlife Warden."

9. Even though under Rule 10(1), no elephant shall be put to any work on attaining the age of 60 years, as per the proviso, healthy elephants are allowed to put to light work under proper health certificate from the veterinary doctor with prior permission of Chief Wildlife Warden. In the instant case, the Chief Wildlife Warden/second respondent, had filed a detailed counter affidavit on 04.10.2024, to the effect that the age of elephant Abhayambigai is 56 years only. As such, as of now, the elephant is only 57 years of age and the apprehension of the petitioner in respect of age is factually incorrect. Even otherwise, the proviso to Rule 10 allows a healthy elephant even after



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60 years of age to continue doing light work, provided it is supported with a proper health and fitness certificate and prior permission.

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10. Insofar as the allegation regarding concrete flooring in the shed and other facilities, the Chief Wildlife Warden/second respondent submitted that the new shelter constructed by the temple is spacious and properly ventilated for sheltering the elephant. It is further stated that the temple has constructed a bathing pool for the elephant with a ramp to ensure safe and easy access. The elephant Abhayambigai was found to be in good health without any wounds or infection and is being maintained with good care.

11. The District Level Captive Elephant Welfare Committee inspected the elephant and noted that the elephant is regularly taken for walks outside the temple to nearby ponds and lakes and the Committee concluded that the elephant is being maintained in strict compliance with the provisions of the Rules, 2011.

12. Based on the recommendation of the District Level Captive Elephant Welfare Committee, Mayiladuthurai, Ownership Certificate No.3/2024 dated 08.08.2024, was also granted by the Principal Chief



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Conservator Forests and Chief Wildlife Warden, in favor of the fourth respondent temple, with a validity period of five years.

13. In view of the fact that the captive elephant, Abhayambigai is only 57 years of age, and as per the report filed, the elephant is being properly taken care of by the temple in whose favor the ownership certificate was issued by the Chief Wildlife Warden on 08.08.2024 with a validity period of five years, and on inspection, the Committee found that proper facilities and care is being given, the apprehensions raised by the petitioner are entirely misplaced and factually incorrect.

14. Accordingly, this writ petition stands dismissed. In view of the orders passed in the present writ petition, the miscellaneous petition seeking impleadment in W.M.P.No.32894 of 2023 stands closed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN, J)
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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

gya

To

1.The Additional Chief Secretary to Government
Environment, Climate Change & Forests Department
Secretariat, Fort St. George, Chennai - 600 009

2.Chief Wild Life Warden
Forest Department, Government of Tamil Nadu
Panagal Maligai, Saidapet, Chennai - 600 015

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