

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.9065 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Forests (TS) appearing for respondent Nos.1 to 4.

2. The case of the petitioner is that it is a society *viz.*, Hazrath Ghouse-e-Azam Welfare Society and it has been celebrating Giarhveen Shareef of Hazrath Ghouse-e-Azam Dastagir (Reh.) procession for the last forty years according to their traditions and with the Holy Flag (Jhanda Mubarak) Nishan-E-Ghouse-E-Paak by boarding on an elephant with crowds of devotees starting from Irani Galli, Kali Kamaan to Charminar *via* Panjeshah, Etebar Chowk Mosque, Kotla Alijah and then back to Chilla Mubarak, which all are within the city limits in a radius of one kilometer. The petitioner society has been hiring elephant from the fourth respondent and the fifth respondent was providing police protection. When elephant was not provided in the year 2011, the petitioner society filed W.P.No.20693 of 2011 and this Court by interim order, dated 29.07.2011, in W.P.M.P.No.25131 of 2011 in the said writ petition, directed the first respondent to consider the representation of the petitioner society and pass appropriate orders by relaxing the conditions stipulated in G.O.Ms.No.132, Environment, Forests, Science & Technology (For.II) Department, dated 22.12.2009, as was usually relaxed for other religious programmes. Thereafter, the respondents were passing such orders every year and providing elephant for the celebration. In view of the same, the aforementioned writ petition was closed because it has become infructuous. While so, the petitioner society submitted an application to the first respondent on 24.12.2016 for providing elephant on hire basis on 16.01.2017 or any other convenient date for the celebration and the first respondent by memo, dated 16.01.2017, accorded permission by directing the third respondent to provide elephant on 16.01.2017 or any other

convenient date in relaxation of G.O.Ms.No.132, dated 22.12.2009, subject to fulfillment of usual conditions. When the third respondent did not provide elephant, the petitioner society filed W.P.No.3770 of 2017 to implement memo, dated 16.01.2017, of the first respondent and the said writ petition was disposed of on 13.02.2017, giving liberty to the petitioner society to make a representation afresh to the second respondent. Accordingly, the petitioner society submitted representation, dated 23.02.2017, followed by another letter, dated 07.03.2017, to the second respondent for providing elephant for celebration on 18.03.2017 or any other convenient date. When the said representation was rejected by the second respondent, by order, dated 07.03.2017, the present writ petition is filed.

3. The learned counsel for the petitioner society has submitted that on earlier occasions, elephant was provided on hire basis in relaxation of G.O.Ms.No.132, dated 22.12.2009, for procession of the petitioner society and also for other religious processions and that the same arrangement shall be made for the purpose of present occasion.

4. The learned Government Pleader for Forests (TS), on the other hand has submitted that the impugned order, dated 07.03.2017, being a reasoned order, unless the petitioner society challenges the aforementioned G.O., this Court shall not entertain the plea of the petitioner society.

4. There is no dispute that aforementioned G.O. is not challenged in the present writ petition and that the said G.O. indicates that the Government decided to dispense with the sparing of the animals for procession as they are being subjected to torture etc., which is against the Rules in vogue. Since on many occasions, elephants were provided on hire basis in relaxation of the said G.O., this Court cannot, time and again, issue a writ of *mandamus* directing the respondents to relax the said G.O. Apart from the fact that the impugned order of the second respondent being a comprehensive order, no

ground is shown in the writ petition for attacking the said G.O. except claiming relaxation thereof.

5. In view of the above facts and circumstances of the case, the Writ Petition is dismissed at the admission stage.

6. As a sequel to dismissal of the writ petition, W.P.M.P.No.11231 of 2017 filed by the petitioner for interim relief shall stand dismissed as infructuous.

A.RAMALINGESWARA RAO, J

17th August, 2017

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