



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.20776 of 2018

WEB COPY

A.Kumaresan

... Petitioner

vs.

1.The Chief Conservator of Forests and
The Chief Wild Life Warden
Panagal Maligai, Saidapettai
Chennai-600015

2.The District Forest Officer
Dindigul Division
Velunachiyar Complex
Dindigul

3.The District Forest Officer
Kanyakumari Division
Government Timber Department
Vadacheri, Nagercoil
Kanyakumari District

4.Mohanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent No.1 to 3 to restore the possession of the female Elephant namely Saraswathi aged about 62 years under the certificate of ownership bearing No.4 of 2007 on the file of the 1st respondent to the petitioner after releasing the same from the illegal custody of the 4th respondent on considering petitioner's representation dated 07.08.2018.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader for R1 to R3

O R D E R

The issue before this Court is regarding ownership of the elephant concerned. According to the petitioner, his father was the original owner of the elephant concerned and after his demise, he became the owner of the elephant and unfortunately, the fourth respondent is also claiming ownership of the elephant concerned. According to the petitioner, his claim over the elephant concerned is well established by the documents, however, the fourth respondent has disputed such a claim.



2. In the above circumstances, it appears that the issue raised in this writ petition involves adjudication of the factual dispute between the petitioner and the fourth respondent, which exercise cannot be done by this Court in its writ jurisdiction. In case the petitioner has exclusive right over the elephant concerned, it is always open to him to approach the competent Civil Court and establish his right as regards the ownership of the elephant concerned. It is certainly not open to the petitioner to approach this Court and invoke its extraordinary jurisdiction under Article 226 of the Constitution of India. Therefore, the writ petition is found to be not maintainable and the same is dismissed. No costs.

Sd/

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar (CS-IV)

To:

1.The Chief Conservator of Forests and
The Chief Wild Life Warden,
Panagal Maligai, Saidapettai,
Chennai-600015.

2.The District Forest Officer,
Dindigul Division,
Velunachiyar Complex,
Dindigul.

3.The District Forest Officer,
Kanyakumari Division,
Government Timber Department,
Vadacheri, Nagercoil,
Kanyakumari District.

+1cc to Mr.R.SHANKAR GANESH, Advocate, SR.No. 88647

+1cc to M/s.Special Government Pleader,SR.No. 88826

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KRK

KK/RP/SAR-4/24.10.2018/2P-6C