

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPPIL No. 49 of 2019**

Nitin Singhvi S/o Late N.C. Singhvi Aged About 54 Years R/o HIG-3,
Sector -3 Shanker Nagar Raipur, District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. Union of India Through Secretary, Ministry of Environment And Forest, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi.
2. State of Chhattisgarh Through Secretary, Forest Department, Mahanadi Bhawan, Mantralay, Naya Raipur, Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest (Wildlife) Cum Chief Wildlife Warden, Chhattisgarh Sector 19, North Block, Aranya Bhawan, First Floor, Atal Nagar, Raipur Chhattisgarh.
4. Animal Welfar Board of India Through Its Chairman, National Institute Of Animal Welfare Campus, P.O. 42 Km Stone, Delhi - Agra Highway, NH-2, Village - Seekri, Ballabhgarh, Faridabad, Haryana - 121004.=
5. Central Zoo Authority Through Member Secretary, B-1, Wing, 6th Floor, Pt. Deen Dayal Antyodaya Bhawan, CGO, Complex, Pragati Vihar, New Delhi, Delhi 110003.
6. Divisional Forest Officer Forest Division Korba, District Korba Chhattisgarh.
7. Director Project Elephant, Ministry Of Environment, Forest And Climate Change, Government of India, Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road, New Delhi 110003.

---- Respondents

For Petitioner : Shri Saurabh Dangi, Advocate.

For Respondent/State : Shri Gagan Tiwari, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

P. R. Ramachandra Menon, Chief Justice

23.09.2019

1. The Petitioner has moved this Court with the following prayers :

“10.1 The Hon'ble court may kindly be pleased to quash the order dated 18.07.2019 (Annexure P/1) and direct the respondent State to rehabilitate the elephant in a suitable area.

10.2 The Hon'ble Court may kindly be pleased to prohibit the respondent authorities from making efforts to turn a wild animal into domestic one and the respondent no. 1 may further be directed to take action against the officer responsible for making such illogical effort of keeping in captivity the elephant.

10.3 The Hon'ble Court may kindly be pleased to direct the respondent authorities to construct the Elephant Rescue and Rehabilitation Center. Ramkola, Surajpur under Supervision of the experts who have given earlier recommendations i.e Dr. T.S. Rajveer and Dr. Rajeev Chittora.

10.4 The Hon'ble Court may kindly be pleased to pass any further orders, as it may deem fit, in the facts and circumstances of the case.”

2. When the matter came up for consideration before this Court on 25.07.2019, we sought for the version of the Respondents, particularly

with regard to the plight of the Wild Elephant, by name 'Ganesh', which was kept in the custody of the Forest Department. It was also brought to the notice of this Court, on a later occasion, that the Elephant had gone back to the Forest with some chains on the legs and hence further particulars were called for. There was also a submission to the effect that no steps were being taken by the State/Department with regard to construction of Elephant Rescue and Rehabilitation Centre at Pingla (Ramkola), Surguja, Chhattisgarh under the supervision of experts as per recommendations given earlier in this regard.

3. Respondents No.2, 3 and 6 have come up with their return giving the factual particulars, also producing photographs and relevant materials with regard to the steps taken by them and the circumstances under which the Elephant had gone back to the Forest.
4. With reference to the materials brought on record, it was asserted that the Department has already fixed an electronic chip/collar on the Elephant and was watching the movements, taking sufficient precautions so as to prevent any chance for causing harm to human lives or property from the part of the Elephant. It was also pointed out that the Elephant was tranquillized on different occasions, the chains have been totally removed and Elephant is roaming in the Forest.
5. As to the construction of Rehabilitation Centre sought to be effected, paragraph-14 of the return filed on behalf of Respondents No.2, 3 and 6 is relevant, which hence is reproduced below :

“14. That, the answering respondent further submits that in compliance of the directives of this Hon'ble Court vide order dated 18.01.2017 and 18.08.2017 in WP(PIL) 06 of 2016, a proposal for establishment of elephant rescue center at Pingla (Ramkola), Surguja, Chhattisgarh, under section 38H (1A) of the Act of 1972 was submitted vide letter dated 06/01/2017 by the answering respondents before the Central Zoo Authority (herein after “CZA”). The Technical committee of the Central Zoo Authority in its 83rd meeting held on 19/05/2017 approved the Master (Layout) plan and Master plan of the elephant rescue center at Pingla, Surguja, Chhattisgarh and the same was communicated by CZA to the answering respondents vide letter dated 21/06/2017. Copy of letter dated 21/06/2017 is filed herewith and marked as ANNEXURE R/12. The CZA vide its letter dated 21/05/2017 has also informed that, CZA in its 29th meeting held on 19/06/2017 has approved for establishment of the Elephant Rescue Center at Pingla, Surguja, Chhattisgarh and granted in-principle approval under Section 38H(1A) of the Act of 1972 subject to certain conditions. The rescue center has been constructed as per the approved Master (Layout) Plan and Master Plan. The CZA has been informed vide letter no 4341 dated 03/08/2019 that a competent officer in charge, 1 animal curator, 2 biologists, 7 animal keepers and 7 animal keeper assistants have been put in place. Chhattisgarh Government Forest

Department, vide order dated 28/08/2019, has appointed two veterinary officers at the elephant rescue center. The CZA is expected to visit and inspect the elephant rescue center soon to grant the final legal recognition.”

6. The Petitioner has filed a rejoinder as well.
7. After considering the facts and figures, we are of the view that the purpose of the writ petition has been accomplished and nothing survives to be considered in the matter. The steps which are being taken to construct the Elephant Rescue and Rehabilitation Centre shall be finalized as expeditiously as possible and necessary follow-up steps shall be taken to get the clearance/sanction by the authorities of the Central Government in connection with the further course of action.
8. The writ petition stands disposed off with the above observations.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge