

W.P.No.13758 OF 2020

THE HON'BLE CHIEF JUSTICE
and
SENTHILKUMAR RAMAMOORTHY, J.

This writ petition was disposed of by order dated 18.11.2020 and is listed today for reporting compliance with regard to the filing of the status report and the follow up action taken.

2. Mr.Kaushik N.Sharma, learned counsel for the petitioner, submits that the elephant, in respect of which the writ petition was filed, died during the course of the proceeding and, therefore, the writ petition was closed. Nonetheless, he submits that the appropriate darting technique was not used while treating the elephant. He also submits that the Forest Department is not following a standard operating procedure.

3. We find from the status report dated 09.11.2020 of the Forest Department that a detailed standard operating procedure was prepared and submitted to the Court. However, the Forest Department has pointed out that the field situations are variable, dynamic and unpredictable and, therefore, the standard operating procedure has to be operated with latitude, depending upon the actual situation on the ground. This approach appears to be rational and reasonable in our view.

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4. It was brought to our notice that fire crackers are being used to scare and intimidate elephants and that this results in driving them out of their habitat. The statutory authorities shall take all reasonable measures to prevent the aforesaid.

5. Accordingly, by recording the submissions made by the learned Additional Government Pleader (Forest), we close this proceeding by directing that the standard operating procedure with regard to the treatment of injured elephants should be followed, subject to reasonable latitude, so as to deal with the situation on the ground on a case to case basis.

(S.B., CJ.) (S.K.R., J.)

21.01.2021

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