

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5838 of 2021

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Ravi Shankar Shahi son of Late Lalan Prasad Shahi resident of Village-
Paterha, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forests-cum- Chief Wildlife Warden, Bihar, Patna.
3. The Divisional Forest Officer, Gopalganj Forest Division, Gopalganj.
4. The Conservator of Forest-cum- Area Director, Balmiki Byaghra Araksh, Bettiah, District- West Champaran.
5. The District Magistrate-cum- District Collector, Siwan.
6. The Range (Area) Officer, Maharajganj Forest Area, Maharajganj, District- Siwan.
7. Sri Pryanath Gohain son of Late Rabin Gohain resident of Village, P.O. and P.S.- Margherita, District- Tinsukia (Assam).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- i) To issue a writ of certiorari, setting aside the letter dated 23.11.2020 contained in Memo No. Wildlife-626 (Annexure-6) issued under the signature of Respondent No.2, making



recommendation to the Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Assam, Basistha, Guwahati-29 to cancellation the ownership certificate of male domestic elephant "Gaman" bearing ownership certificate No. 961001000002624/EAC/DIG/Mar(E)/13/60 dated 21.09.2013, without issuing any notice and without affording any opportunity to the petitioner being heard in the matter which is violation of principle of natural justice as the said domestic elephant is presently under the ownership of petitioner having all valid documents in pursuant to power of attorney dated 29.04.2020 executed by its original owner namely Si Priyanath Gohain in his favour for the rest of life of said domestic elephant.

- ii) Further for setting aside the consequential action of the aforesaid letter dated 23.11.2020 under which petitioner has been directed to handover the said domestic elephant to the Department of Forest vide letter No.270 dated 06.01.2020 issued by the office of the Area Officer of Forest, Maharajganj, District-Siwan (Annexure-7).
- iii) To issue a writ of mandamus commanding and directing the Respondent authority concerned, not to seize the domestic elephant of petitioner who is presently holding its legal and lawful attorney and caretaker having all valid documents for the same.



iv) And/or to pass any such other order/orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of one month from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall file a representation before the authority concerned within a period of four weeks from



today for redressal of the grievance(s);

(b) The said authority shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of one month from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to assail the order before the appropriate forum, if the need so arises subsequently;

(g) We have not expressed any opinion on merits. All issues are left open;



The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	23.12.2021
Transmission Date	

