



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 10899 of 2021

The Indian Medical Practitioner's
Co-operative Pharmacy and Stores
rep. by its Secretary in charge
Dr.K.Kader Mohideen,
Kalki Krishnamoorthy Salai,
Thiruvanmiyur, Chennai-41

.. Petitioner

Versus

1.The Secretary, Ministry of Environment,
Forest and Climate Change,
Government of India,
New Delhi 110 033.

2.The Director General of Forest and Special
Secretary, Ministry of Environment,
Forest and Climate Change, 4th floor,
Jal Wing, Indira Parayavaran Bhawan,
Jor Bagh Road, New Delhi 110 003.

3.The Deputy Inspector General (WL),
Government of India,
Ministry of Environment and Forests,
New Delhi 110 003.

4.The Principal Chief Conservator of Forests and
Chief Wild Life Warden, Department of Forest,
Chennai 600 015.

5. The Secretary, Government of India,
Ministry of Ayurveda, Yoga & Naturopathy,
Unani, Siddha and Homeopathy (AYUSH),
New Delhi-110 023.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to consider the representation in F.No.PU/2020-2021 dated 15.03.2021 made by the petitioner and consequently issue necessary instructions to the authorities concerned to disburse 'DEER HORN' /DEER HORN burnt ash to the petitioner society for



cost for the purpose of manufacturing life saving Aurveda, Siddha and Unani medicines.

For Petitioner : Mr. A.Govindasamy

For Respondents : Mr. N. Ramesh
Central Govt. Standing Counsel
for R1 to R3 & R5

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 15.03.2021 and consequently issue necessary instructions to the authorities concerned to disburse 'DEER HORN'/ DEER HORN burnt ash to the petitioner society for cost for the purpose of manufacturing life saving Aurveda, Siddha and Unani medicines.

2. The petitioner Society has been registered under the Multi-State Co-operative Societies Act, 2002 and it is functioning directly under the control of Central Registrar of Cooperative Societies, Ministry of Agriculture and Co-operation, New Delhi. It is stated that there are about 16,000 Indian Doctors practicing Siddha, Ayurveda and Unani and registered themselves as members of the petitioner Society. The petitioner Society uses 'Deer Horn' as one of the ingredients in manufacturing Ayurveda Medicine 'Sringi Bhasma', which is an effective medicine to cure Chronic Cardiac diseases. The petitioner society was also granted license by the Wild Life Warden, Madras to deal in animal articles, more particularly in DEER HORN for one year from 14.09.1977 and it was extended from time to time. Lastly, the society was granted such licence on 06.02.2009 till 05.02.2010. Thereafter, the petitioner submitted an application in Form No.20 to the then Principal Chief Conservator of Forest and Chief of Wild Life Warden, Chennai, the fourth respondent herein on 05.01.2010 for renewal, but there was no response from the fourth respondent inspite of reminders sent on 04.03.2010, 10.04.2010, 11.06.2010, 01.07.2010, 08.07.2011 and 31.10.2011. In the meantime, the fourth respondent sent a communication dated 20.07.2010 to the third respondent, with a copy marked to the petitioner, requesting to grant permission to the petitioner as a special case to supply Deer Antlers of 270 kilograms for manufacturing Siddha medicines by issuing Deer Antlers drawn from Arignar Anna Zoological park, Vandalur or Children's Park at Guindy, in public interest. The petitioner has also sent a letter dated 14.07.2011 to the third respondent requesting to issue necessary order for allotment of Deer Horn to the petitioner society. But the third respondent sent a communication dated 09.08.2011 to



the fourth respondent stating that the Zoological Parks/Zones are managed as per the guidelines of National Zoo Authority and the Central Zoo Authority and as per clause 3.4.3. of the National Zoo Policy, 1988, Zoological parks are prohibited from carrying out any transaction in respect of their surplus animals or animal products, with any commercial establishment.

3. Notwithstanding the same, the petitioner made several representations to the first and second respondents and also to all the concerned authorities, requesting to grant exemption to the petitioner society to purchase required quantity of Deer Horns or Burnt Honr Ash from Arignar Anna Zoological Park, Chennai. The fifth respondent has also sent several communications to the first and second respondents seeking personal intervention in this matter and to issue necessary instructions to the Central Zoo Authority for addressing the issue raised in the representation made by the petitioner. However, it is stated by the petitioner that their genuine request has not been considered by any of the respondents, so far. Hence, the present writ petition.

4. The learned counsel appearing for the respondents 1 to 3 and 5 submitted that as per Section 3.4.3 of the National Zoo Policy, 1988, and as per the guidelines issued by the Central Zoo Authority dated 27.09.2010, there is a bar and the Zoological Parks are prohibited from carrying out any transaction in respect to the surplus animals or animal products with any commercial establishment.

5. In reply, the learned counsel appearing for the petitioner submitted that since the license of the petitioner was not renewed from 2010, the supply of Dee Horn has been stopped by the authorities concerned, with the result, the petitioner Society is not able to produce life saving drugs for the last several years. Therefore, as a special case, the petitioner's representation may be directed to be considered on merits.

6. The learned counsel appearing for the respondents 1 to 3 and 5 fairly submitted that the petitioner's representation will be considered on merits, within a time frame to be fixed by this court.

7. Considering the facts and circumstances of the case, and having regard to the submissions made by the learned counsel on either side, the second respondent is directed to consider the representation of the petitioner dated 15.03.2021 after affording an opportunity of hearing to the petitioner, and pass an order, on merits and in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the



date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mst/rsh

To

- 1.The Secretary, Ministry of Environment,
Forest and Climate Change,
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New Delhi 110 033.
- 2.The Director General of Forest and Special
Secretary, Ministry of Environment,
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New Delhi-110 023.

+1cc to Mr.A.Govindasamy, Advocate, S.R.No.46683

WP No.10899 of 2021

GPL(CO)
CB(13/10/2021)