



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD)Nos.1289 & 1293 of 2021

and

W.M.P.(MD)Nos.1078, 1080, 1087 & 1088 of 2021

N.Sekar

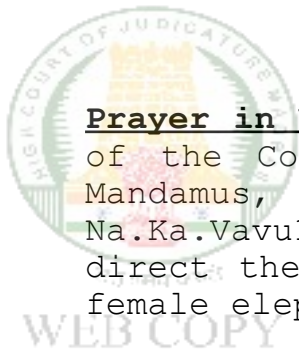
... Petitioner in both W.Ps.

-Vs-

- 1.The Principal Chief Conservator of
Forest and Chief Wild Life Warden,
O/o. The Principal Chief Conservator of
Forest and Chief Wild,
Panagal Maligai,
Saidapet,
Chennai-15.
- 2.The Conservator of Forest,
O/o. The Conservator of Forest,
Trichy,
Trichy District.
- 3.The District Forest Officer and
Member Convener,
District Level Capitates Elephant Welfare
Committee (DCEWC),
O/o. The District Forest Officer and
Member Convener,
District Level Capitates Elephant Welfare
Committee (DCEWC),
Trichy Division, Trichy.
- 4.The Forest Range Officer,
O/o.The Forest Range Office,
Trichy Forest Range,
Trichy District.

... Respondents in both W.Ps.

Prayer in W.P.(MD)No.1289 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records by the impugned proceedings Na.Ka.Vavu1/38907/2019, dated 22.12.2020 and quash the same and direct the first respondent to renew the ownership certificate of female elephant Rani.



Prayer in W.P.(MD)No.1293 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records by the impugned proceedings Na.Ka.Vavul/38906/2019, dated 22.12.2020 and quash the same and direct the first respondent to renew the ownership certificate of female elephant Suma.

For Petitioner : Mr.A.M.Raja
For Respondents : Mr.Sricharan Rengarajan
Additional Advocate General
assisted by Mr.S.Angappan
(in both W.Ps) Government Advocate

COMMON ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents.

2.The petitioner is the owner of the two female elephants namely Rani and Suma. The petitioner is having ownership certificate. When the petitioner applied for renewal, the petitioner was informed that the petitioner was not maintaining the elephants properly and that a number of defects have been pointed out and that after rectification report, his application for renewal would be considered. It is this communication that has been put to challenge in this writ petition.

3.The learned counsel appearing for the petitioner reiterated the contentions set out in the affidavits filed in support of these writ petitions.

4.I am not however persuaded by the same. The learned Additional Advocate General drew my attention to the provisions of Tamil Nadu Captive Elephant (Management and Maintenance) Rules, 2011. He laid particular emphasis on Rule 5 and 6. His pointed contention is that as on date, there has been a gross violation of both these provisions. Though the learned counsel appearing for the petitioner controverted the said assertion, the stand of the petitioner's counsel has to be necessarily rejected in view of the photographs enclosed in the typed set of papers by the petitioner himself. It is seen that the elephants' stable has been covered by corrugated iron sheets. Rule 5(4) of the aforesaid Rules clearly forbids such an arrangement. Thus, atleast in respect of one defect pointed out in the impugned communication, the petitioner cannot have an answer. In any event, as rightly pointed out by the Additional Advocate General, the writ petitions have been prematurely filed. The impugned communications only call upon the petitioner to rectify the defects and submit a rectification report. Therefore, no cause of action has really been arisen. The Writ Petitions are dismissed as having been prematurely filed. No



costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Chief Conservator of
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Trichy Division, Trichy.
- 4.The Forest Range Officer,
O/o.The Forest Range Office,
Trichy Forest Range,
Trichy District.

+1CC to M/sSPL GP, SR.No.14076 dated 29/03/2021

W.P.(MD)Nos.1289 & 1293 of 2021

and

W.M.P.(MD)Nos.1078, 1080, 1087 & 1088 of 2021

24.03.2021

SE (CO)

<https://e-cases.court.gov.in/cases/3P6C>