



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Twenty Fourth day of February Two Thousand and
Twenty One

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PRESENT

**The Hon`ble The CHIEF JUSTICE
and
The Hon`ble Mrs.Justice R.HEMALATHA**

WP(MD) No.3565 of 2021

R.MANIBHARATHI

... PETITIONER

Vs

- 1 UNION OF INDIA REPRESENTED BY,
THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
INDIRA PARYAVARAN BHAVAN, JARBAGH ROAD, NEW DELHI 110 003.
- 2 NATIONAL TIGER CONSERVATION AUTHORITY,
REPRESENTED BY, THE CHAIRPERSON,
NATIONAL TIGER CONSERVATION AUTHORITY,
B-1 WING, 7th FLOOR, PT.DEENDAYAL ANTYODYA BHAWAN,
CGO COMPLEX, NEW DELHI 110 003.
- 3 CENTRAL MARINE FISHERIES RESEARCH INSTITUTE,
REPRESENTED BY, THE SCIENTIST-IN-CHARGE,
MANDAPAM REGIONAL CENTRE OF CENTRAL MARINE FISHERIES RESEARCH
INSTITUTE, MARINE FISHERIES P.O.
MANDAPAM CAMP - 623 520.
- 4 STATE OF TAMILNADU,
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
ENVIRONMENT AND FORESTS DEPARTMENT,
STATE OF TAMILNADU, FORT ST. GEORGE, CHENNAI - 600 009.
- 5 STATE OF TAMILNADU,
REPRESENTED BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF ANIMAL HUSBANDARY,
STATE OF TAMILNADU, FORT ST. GEORGE, CHENNAI - 600 009.
- 6 THE PRINCIPAL CHIEF CONSERVATOR OF FOREST / CHIEF WILDLIFE WARDEN,
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FOREST /
CHIEF WILDLIFE WARDEN, PANAGAL MALIGAI, 1, JEENIS ROAD, SAIDAPET,
CHENNAI - 600 015.



7 TAMIL NADU VETERINARY AND ANIMAL SCIENCE UNIVERSITY,
REPRESENTED BY THE DEAN, TAMIL NADU VETERINARY AND ANIMAL
SCIENCES UNIVERSITY,
MADHAVARAM MILK COLONY, CHENNAI - 600 051. ... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue writ of mandamus or any other writ or direction or order in the nature of Writ to direct the respondents, a) To establish 'Primary Response Team' in all the districts of State of Tamil Nadu consisting of trained veterinarians to attend the Wildlife emergencies, rescue and rehabilitation and to provide 'wildlife Health Support' to the Wild animals that came out of the protected Areas as per chapter V and chapter VI of the 'National Wildlife Action Plan 2017-2031' in accordance with law within the time stipulated by this Honble Court. b) To establish a 'Rehabilitation Centre' comprising of the trained veterinarians in every district to provide Wildlife health support for the injured Wild Animals as per chapter V of the 'National Wildlife Action Plan 2017-2031' in accordance with law within the time stipulated by this Hon'ble Court. C) launch a state wide 'Toll-free helpline number' to receive the information from the local people regarding the advent of Wild Animals outside the forests and protected Areas in accordance with law within the time stipulated by this Hon'ble Court. d) To establish 'Marine Mammals Rescue and Release Team' in the district of Ramanathapuram and other coastal districts in the State of Tamil Nadu as per Chapter VIII of the 'National Wildlife Action Plan 2017-2031' in accordance with law within the time stipulated by this Hon'ble Court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.ALAGUMANI, Advocate for the petitioner and of MR.ALAGURAM JOTHI, Central Government Standing Counsel for the Respondents 1 to 3 and of Mr.K.P.KRISHNADOSS, Special Government Pleader for the Respondents 4 to 7, the Court made the following order:-

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner seeks judicial directions for a plan to be put in place to rescue marine mammals in the district of Ramanathapuram. It must be acknowledged that Judges leading the Courts do not have the specialized knowledge in such areas for them to even suggest any steps to be taken in such regard.

2. Matters of the present kind ought to be pursued with the local administration of the State government and the administration should take the assistance of experts in the field to conduct studies, if the problem is perceived to be genuine, and then take appropriate action.



3. It must also be appreciated that in a less developed country with serious constraints on resources and with basic amenities not available to a large section of the human population, it is for the administration to decide on priorities, the areas to focus on and the extent of expenditure to incur under various heads. Oftentimes, orders of Court, unmindful of the expenditure that may be incurred as a consequence, result in more important aspects being neglected and Court orders being complied with in what may be described in cases to be fancy litigation, ahead of providing basic amenities like drinking water, food, shelter and primary education to ordinary citizens. While Advocates take up cases that may be near and dear to their hearts and philosophies, the limitations of Judges and the Court system must be realized and the autonomy available to the elected Government should always be respected.

4. Mr.Alaguram Jothi, learned Central Government Standing Counsel, appears and takes notice on behalf the respondents 1 to 3 and Mr.K.P.Krishnadoss, learned Special Government Pleader, appears and takes notice on behalf of the respondents 4 to 7.

5. Let the matter appear eight weeks since. A report should be filed by the official respondents indicating that the matter has been considered and the steps that may be proposed to be taken in such regard.

sd/-
24/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 SECRETARY TO THE GOVERNMENT,
UNION OF INDIA
MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
INDIRA PARYAVARAN BHAVAN, JARBAGH ROAD, NEW DELHI 110 003.



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CENTRAL MARINE FISHERIES RESEARCH INSTITUTE,

MANDAPAM REGIONAL CENTRE OF CENTRAL MARINE FISHERIES RESEARCH
INSTITUTE, MARINE FISHERIES P.O.
MANDAPAM CAMP - 623 520.

4 THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
STATE OF TAMILNADU,
ENVIRONMENT AND FORESTS DEPARTMENT,
STATE OF TAMILNADU, FORT ST. GEORGE, CHENNAI - 600 009.

5 THE PRINCIPAL SECRETARY,
STATE OF TAMILNADU,
DEPARTMENT OF ANIMAL HUSBANDARY,
STATE OF TAMILNADU, FORT ST. GEORGE, CHENNAI - 600 009.

6 THE PRINCIPAL CHIEF CONSERVATOR OF FOREST /
CHIEF WILDLIFE WARDEN,
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FOREST /
CHIEF WILDLIFE WARDEN, PANAGAL MALIGAI, 1,
JEENIS ROAD, SAIDAPET,
CHENNAI - 600 015.

7 THE DEAN,
TAMIL NADU VETERINARY AND ANIMAL SCIENCE UNIVERSITY,
TAMIL NADU VETERINARY AND ANIMAL SCIENCES UNIVERSITY,
MADHAVARAM MILK COLONY, CHENNAI - 600 051.

+1. C.C. to THE SPECIAL GOVERNMENT PLEADER IN SR.No.7253

ORDER
IN
WP(MD) No.3565 of 2021
Date :24/02/2021

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AE/VR/SAR-III (01/03/2021) 4P / 9C