

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 689 OF 2022
IN
SUO MOTU PUBLIC INTEREST LITIGATION NO. 5 OF 2022

Court on its own Motion

..VS..

Union of India and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.S. Tembhare, Amicus Curiae for the petitioner.
Mr. N.S. Deshpande, Assistant Solicitor General of India for
respondent No.1.
Mrs. K.S. Joshi, Additional Government Pleader for respondent
Nos.2 to 5.
Mr. Kartik N. Shukul, Advocate for respondent No.6.
Mr. S.V. Manohar, Senior Advocate a/b Mr. A.S. Manohar, Advocate
with Mr. R.R. Deo, Advocate for intervenor.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : 15.09.2022

Heard Mr. S.V. Manohar, learned Senior Advocate
for the applicant-Trust.

2. It is submitted that the Trust has been established
to promote the welfare of all animals and to prevent
cruelty to animals and also to take necessary steps to
provide relief to all animals, to relieve them from pain
and suffering. It is further submitted that the elephants
in question are proposed to be handed over to applicant-
Trust in order to take care of their well-being and relieve

them of their sufferings and this is going to be done under medical care and scientific supervision in as much as, all these elephants proposed to be shifted are having microchip so that their movement and also their condition can be monitored on continuous basis. It is also submitted that the foundation of this PIL is erroneous as these elephants have been bred in captivity and that they are not wild animals and, therefore, they are out of the purview of the provisions of Wild Life (Protection) Act, 1972. It is further submitted that Reliance Industry has got nothing to do with the Trust and funding of the Trust only comes through the funds released to the Trust in discharge of it's corporate social responsibility. It is, therefore, submitted that if these facts are brought on record and assistance is rendered to the Court by providing a clear and correct picture of the whole issue, a proper adjudication of the issue involved in this case would be possible.

3. Mrs. K.S. Joshi, learned Additional Government Pleader has no objection so also learned *Amicus Curiae* has no objection to this application.

4. We are convinced that the applicant-Trust needs to be allowed to intervene in the matter so that it could render effective assistance to this Court in resolving all the issues involved in this petition and, therefore, this application is allowed.

5. We request the learned *Amicus Curiae* to take into consideration the various facts and circumstances stated in the application and after due verification, bring on record the correct position.

SUO MOTU PUBLIC INTEREST LITIGATION NO.5 OF 2022

Stand over after **three weeks**.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Kirtak