



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM

THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P.Nos.5689 & 5693 of 2022  
and  
W.M.P.Nos.5781 & 5786 of 2022

R.Haresh Babu, ... Petitioner in W.P.No.5689 of 2022

R.Rengan, ... Petitioner in W.P.No.5693 of 2022

-Vs.-

1. The Principal Chief Conservator of Forests  
and Chief Wildlife Warden,  
Panagal Malikai, 6<sup>th</sup> Floor,  
Saidapet,  
Chennai 600 015.

2. The District Forest Officer,  
O/o.District Forest Officer,  
Race Course Road,  
Madurai 625 002.

.. Respondents in both W.Ps

Common Prayer:-

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to issue transit permit to the petitioner's Elephant viz., 'Lakshmi' bearing Microchip Number 00065E957E and 'Kusma' bearing Microchip Number 00065F0FC0 respectively to travel to Hyderabad to attend a function to be held from 19.03.2022 to 31.03.2022 at Allind (Aluminum Factory) Lingampally, Hyderabad on the basis of the order dated 19.01.2022 made in batch of Writ Petitions W.P.No.34258/2013, etc.

For Petitioner in both WPs : Mr.G.Ethirajulu.  
For Respondents in both WPs : Mr.C.Sathish,  
Government Advocate

C O M M O N O R D E R

This common order will govern the captioned two main writ petitions and the captioned two writ miscellaneous petitions thereat.

2. Mr.G.Ethirajulu, learned counsel for writ petitioners in both the captioned writ petitions and Mr.C.Sathish, learned Government Advocate who accepts notice on behalf of both the respondents in both the writ petitions are before this Court.



Main writ petitions are taken up with the consent of both sides owing to the narrow compass on which the captioned matters turn.

3. Owing to the extremely narrow and acute compass on which the matters on hand turn, it is not necessary to dilate much on facts and it will suffice to set out that the writ petitioners have made two separate applications both dated 03.03.2022 under appropriate Rules under The Wild Life (Protection) Act, 1972 (53 of 1972). These two applications are with a request to grant permission to transport two captive elephants. Application pertaining to Elephant by name 'LAKSHMI' with Microchip No.00065E957E is the subject matter of W.P.No.5689 of 2022 and application pertaining to Elephant by name 'KUSMA' with micro chip No.00065F0FC0 is the subject matter of W.P.No.5693 of 2022.

4. Learned counsel for petitioners submits that earlier there was a ban for transportation of Elephants i.e., captive Elephants for commercial purpose but the ban has been lifted and this has been captured in a common order dated 19.01.2022 made by this Court in five writ petitions namely, W.P.Nos.34258, 34259, 34973, 34974 and 35043 of 2013.

5. Be that as it may, there are ever so many determinants qua deciding applications of the above nature. Therefore, this Court deems it appropriate to dispose of the captioned two writ petitions with a directive to the first respondent to dispose of the aforementioned two applications both dated 03.03.2022 on its own merits, in accordance with law taking into account the obtaining legal position/orders governing the field as expeditiously as his official business would permit and in any event by 17.03.2022 as this Court is informed that the movie shooting/function for which the elephants are proposed to be transported is scheduled to begin on 19.03.2022 at Hyderabad.

6. The decision qua aforementioned 03.03.2022 applications shall be communicated by the first respondent to the respective writ petitioners under due acknowledgment on the same day i.e., 17.03.2022. Though obvious it is made clear that this Court has not expressed any view or opinion on the merits of the matter.

7. Captioned two main Writ Petitions are disposed of in the aforesaid manner. Consequently, captioned writ miscellaneous petitions thereat are disposed of as closed. There shall be no order as to costs.

Sd/-  
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar



mk/nsa

To

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1. The Principal Chief Conservator of Forests  
and Chief Wildlife Warden,  
Panagal Malikai, 6<sup>th</sup> Floor,  
Saidapet,  
Chennai 600 015.

2. The District Forest Officer,  
O/o.District Forest Officer,  
Race Course Road,  
Madurai 625 002.

+2cc's to Mr.G.Ethirajulu, Advocate, S.R.No.16896

+1cc to the Special Government Pleader Sr.No.17532 (16/03/2022)

W.P.Nos.5689 & 5693 of 2022  
and  
W.M.P.Nos.5781 & 5786 of 2022

MG(CO)  
KM(14/03/2022)