

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.NOS.16857 & 16859 OF 2021

S.Muralidharan

.. Petitioner in both WPs.

Vs.

Principal Chief Conservator of Forests &
Chief Wildlife Warden
Department of Forests
Government of Tamil Nadu
No.1, Jeenis Road
Panagal Building
Saidapet, Chennai 600 015.

State of Tamil Nadu
Rep. by its Chief Secretary
Fort St. George
Chennai 600 009.

.. Respondents 1&2 in both WPs.

Dr.T.Murugavel

.. Respondent-3 in WP No.16857/21

[R3 impleaded vide order dated
09.12.2021 in WMP No.21306/21
in W.P.No.16857 of 2021]

Prayer: Petitions filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first respondent to move Rivaldo to M.R. Palayam Camp as companion to the 6 female elephants present there; (in W.P.No.16857 of 2021) and directing the first respondent not to force Rivaldo into the wild again.(in W.P.No.16859 of 2021)

For the Petitioner	:	Mr.S.Muralidharan
(in both cases)		Party-in-Person

For the Respondents : Mr.P.Muthukumar
(in both WPs) State Government Pleader
Assisted by
Mr.Mohammed Sathik
for Respondent 1 and 2

Mr.R.Srinivas
for Respondent-3
(in WP.No.16857 of 2021)

COMMON ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

These writ petitions have been filed seeking a direction on the first respondent to move the elephant Rivaldo to M.R.Palayam Camp as companion to six female elephants present there and for a direction on the first respondent not to force the elephant to go back to the forest.

2. Learned State Government Pleader informs the Court that after proper treatment to Rivaldo, it has been released and rehabilitated into the forest, by the order of the competent authority, namely the Principal Chief Conservator of Forests and Chief Wildlife Warden on 15.07.2021. Thus, a prayer is made to close the writ petitions.

3. The petitioner in person submits that without proper treatment to the elephant in the camp, it has been discharged and because of opacity in its right eye and amputation at the tip of the trunk, it suffers to take feed and even to breathe. Thus, it is obligatory on the part of the respondents to call for an expert doctor from Thailand, as was done in the past, to give proper treatment to the elephant. Accordingly, a prayer is made to direct the respondents to call for an expert doctor from Thailand to give proper treatment to the said elephant as it cannot be administered by the Veterinary doctors in India.

4. We have considered the submissions made by the parties and perused the records.

5. The order dated 15.07.2021 passed by the Principal Chief Conservator of Forests and Chief Wildlife Warden is taken on record, which has not been challenged by the petitioner in person. It gives the complete history of the elephant and its

disabilities. The elephant has to live with these disabilities as many others do with the similar or other physical disability. Only after taking note of the improved condition of the elephant, it was discharged from the camp so as to rehabilitate in the forest to lead a normal life. The release of the elephant was made by the order of the competent authority. There is nothing on record to show that after the release of the elephant almost one year back, the elephant suffers even to take feed and to breathe, except the statement of the petitioner in person. Hence, we do not find any necessity to call for a doctor from Thailand as prayed by the petitioner in person and accordingly, it is rejected.

6. In view of the facts given above, nothing survives in these writ petitions. Accordingly, both the writ petition are dismissed as infructuous. There will be no order as to costs. Consequently, WMP Nos.21258 and 25064 of 2021 are also dismissed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

kpl

To:

1. Principal Chief Conservator of Forests &
Chief Wildlife Warden
Department of Forests
Government of Tamil Nadu
No.1, Jeenis Road, Panagal Building,
Saidapet, Chennai 600 015.
2. The Chief Secretary
Government of Tamil Nadu
Fort St. George, Chennai 600 009.

+lcc to Mr.R.Srinivas, Advocate, S.R.No.41790
+lcc to the Government Pleader, High Court, Madras,
S.R.Nos.42542 & 42543

W.P.Nos.16857 & 16859 of 2021

EV(CO)
RLP(11/07/2022)