



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4943 of 2022

and

W.M.P. [MD]Nos.4061 & 4062 of 2022

WEB COPY

Jejo.R

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests and
Chief Wild Life Warden,
Panagal Maaligai, 1, Jennis Road,
Saidapet, Chennai - 600 015.

2.The District Forest Officer and Wild Life Warden,
Kanyakumari Division,
Nagercoil, Kanyakumari District.

3.The Assistant Conservator of Forests and Assistant Director,
Kanyakumari Division,
Nagercoil, Kanyakumari District.

4.Forest Range Officer,
Kulasekharam Forest Range,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 25.12.2021 in C.No.WL1/45628/2021-1 and quash the same and further direct the first respondent to consider the petitioner's representation dated 13.01.2022 grant ownership certificate to the petitioner as per the declaration filed by the petitioner dated 11.04.2012 and as per the order dated 01.11.2018 passed by the Hon'ble Supreme Court in W.P.No.(Civil).743 of 2014.

For Petitioner	: Mr.S.Anand Chandrasekar for M/s.Sarvabhauman Associates
For Respondents	: Mrs.S.Jeyapriya Government Advocate

O R D E R

This Writ Petition has been filed challenging the order dated 25.12.2021 passed by the first respondent rejecting the petitioner's application seeking for transit permit for the captive elephant by name Anupama for attending the temple function on the ground that the captive elephant Anupama was maintained by the petitioner without a valid ownership certificate.



2. Heard Mr.S.Anand Chandrasekar, for M/s.Sarvabhauman Associates, learned Counsel appearing for the writ petitioner and Mrs.S.Jeyapriya, learned Government Advocate who accepts notice on behalf of the respondents.

3. At the outset, learned Counsel for the petitioner would submit that though the impugned order has been challenged, the petitioner is now satisfied if his application dated 11.04.2012 seeking for grant of ownership certificate for the captive elephant Anupama is considered on merits and in accordance with law by the respondents. He would further submit that his earlier application was also followed by another application dated 13.01.2022 for the very same purpose.

4. Since the Hon'ble Supreme Court has restrained the authorities from issuing ownership certificate for captive elephants and have only permitted them to issue provisional ownership certificate subject to final decision of the Hon'ble Supreme Court, the representations given by the petitioner for issuance of ownership certificate cannot be granted. But at the same time, no prejudice would be caused to the respondents if the request made by the learned Counsel for the petitioner before this Court that his earlier application seeking for issuance of ownership certificate can be treated as an application seeking for issuance of provisional certificate and can be considered on merits and in accordance with law after affording a fair hearing to the petitioner.

5. In the light of the said submission and in view of the fact that no prejudice would be caused to the respondents if such a request is considered on merits and in accordance with law, this Court directs the first respondent to consider the petitioner's applications dated 11.04.2012 followed by another application dated 13.01.2022 and treat the same as an application seeking for issuance of provisional ownership certificate for the captive elephant Anupama which is presently in the custody of the petitioner and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting the right of personal hearing to the petitioner within a period of six [6] months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



- 1.The Principal Chief Conservator of Forests and
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+1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-13239[F] dated 21/03/2022)

+1 CC to M/s.SPL GP (SR-13462[F] dated 22/03/2022)

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