



W.P(MD).No.20974 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.20974 of 2022

and

W.M.P(MD).No.15220 of 2022

R.Vimalan

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests
and Chief Wildlife Warden,
Panagal Maligai,
Saidapet,
Chennai-15.

2.The Conservator of Forests,
O/o The Conservator of Forests,
Race Course Road,
Madurai, Madurai District.

3.The District Forest Officer,
O/o. The District Forest Officer,
Race Course Road,
Madurai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st Respondent to issue the renewal of ownership certificate to the Petitioner for his animal Indian female Elephant “Sumathi” within stipulated time.



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For Petitioner : Mr.K.Balasundharam
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed praying for a writ of Mandamus to issue renewal of ownership certificate to the Petitioner with regard to the Indian female elephant, namely, Sumathi.

2. The learned Additional Government Pleader for the Respondents circulated a instruction/report obtained from the 1st Respondent, wherein, reference was made to the District Level Captive Elephant Welfare Committee, which had inspected the elephant on 09.01.2022 and 11.01.2022. On inspection, the Committee submitted a report recommending that the issuance of licence may be withheld until the cases involving the Petitioner are disposed of and also expressed the need for improvement of housing and bathing facilities. It also appears that the 1st Respondent vide order, dated 01.06.2022 and 30.06.2022 directed the District Level Captive Elephant Welfare Committee to inspect the elephant on 05.11.2022 which submitted its report. The relevant portion reads as follows:

“ 1. There is serious lacunae in elephant management under the Tamil Nadu Captive Elephant Maintenance and Management Rules 2011 and the applicant Thiru.Vimalan has not appointed a



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regular mahout and cavady. Further, is observed that, the applicant is financially weak to maintain animal.

2. There was a change in housing of animal from puthupatti, Melur Taluk to Uthangudi, Madurai without permission.”

3. It is also stated that Petitioner does not have requisite financial competence and resources to maintain elephant and in view of the poor management and history of repeated offences, the District Level Captive Elephant Welfare Committee has suggested that the Forest Department take custody of the elephant and ensure proper care and maintenance of the aged elephant. It is submitted by the learned Additional Government Pleader for the Respondents that the forest department shall take custody of the elephant within a period of four weeks from today, which was agreed to by the learned counsel for the Petitioner.

4. Recording the same, the forest department is directed to take custody of the elephant within a period of four weeks from today. The writ petition stands disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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Note: Issue order copy on 21.11.2022

To

- 1.The Principal Chief Conservator of Forests
and Chief Wildlife Warden,
Panagal Maligai,
Saidapet,
Chennai-15.
- 2.The Conservator of Forests,
O/o The Conservator of Forests,
Race Course Road,
Madurai, Madurai District.
- 3.The District Forest Officer,
O/o. The District Forest Officer,
Race Course Road,
Madurai District.



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Today, the case is listed under the caption "for being mentioned" at the instance of the learned counsel for the Petitioner.

2. It is represented by the learned counsel for the Petitioner that vide order dated 17.11.2022, in paragraph No.3, the expression, “which was agreed to by the learned counsel for the Petitioner” may be deleted and the order may be modified accordingly.

3. In view of the said submission made by the learned counsel for the Petitioner, the Paragraph No.3, shall now read as follows:

“3. It is also stated that Petitioner does not have requisite financial competence and resources to maintain elephant and in view of the poor management and history of repeated offences, the District Level Captive Elephant Welfare Committee has suggested that the Forest Department take custody of the elephant and ensure proper care and maintenance of the aged elephant. It is submitted by the learned Additional Government Pleader for the Respondents



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that the forest department shall take custody of the elephant within a period of four weeks from today”.

4. Except the above modification, all other paras made in the earlier order dated 17.11.2022 shall remain intact. Registry is directed to carry out necessary correction and issue the corrected order copy to the parties forthwith.

25.11.2022

vji



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