



W.P.Nos.33249 to 33252 & 33254 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.33249 to 33252 & 33254 of 2022

and

W.M.P.Nos.32676, 32678, 32680 to 32687 of 2022

R.Rengan ... Petitioner
in W.P.No.33249/2022

S.Sankar ... Petitioner
in W.P.No.33250/2022

S.Shanthi ... Petitioner
in W.P.No.33251/2022

N.Baskaran ... Petitioner
in W.P.No.33252/2022

D.Rajkumar ... Petitioner
in W.P.No.33254/2022

Vs.

The Principal Chief Conservator of Forests and
Chief Wildlife Warden,
Forest Head Quarters,
Guindy – Velachery Main Road,
Near Kannigapuram Check Post,
Guindy, Chennai – 600 032.

... Respondent
in all the W.Ps

Common Prayer: Writ petition is filed under Article 226 of the Constitution of India

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for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings dated 24.11.2022 made in Se.Mu.Order.No.Va.Vu 1/43315/2021 by the respondent quash the same so far it relates to guideline Nos.2, 4, 7, 8, 11 to 17 which are against the petitioner and consequently forbear the respondent and their subordinate officers to implement the impugned guidelines while issuing transit permit to the petitioner.

For Petitioners : Mr.G.Ethirajulu

For Respondent : Dr.T.Seenivasan,
Special Government Pleader (Forest)

COMMON ORDER

All the above Writ Petitions have been filed to call for the records relating to the proceedings dated 24.11.2022 made in Se.Mu.Order.No.Va.Vu 1/43315/2021 by the respondent and quash the same so far it relates to guideline Nos.2, 4, 7, 8, 11 to 17 which are against the petitioners and consequently forbear the respondent and their subordinate officers to implement the impugned guidelines while issuing transit permit to the petitioners.

2. Pursuant to the order of this Court dated 15.02.2023, today status report is filed by the respondent-Government. With regard to the guideline No.2 for submitting the application for transit permit, the request may be considered by reducing the time limit from 10 days to 7 days. It is also submitted that the entire



process for issuing elephant transit permit will be made through online application.

Such process shall be completed without any further delay.

2.1. As far as the guideline No.13, with regard to obtaining the inspection certificate from the forest staff at the time of utilising the animal with transit permit on holidays, it is stated that the forest staff will be instructed to ensure assessment even during holidays as they are on duty 24X7, in their jurisdiction.

2.2. With regard to the guideline No.17, for elephant fitness certificate to be obtained from the Government Veterinary doctors. It is the stand of the Government that only the Government veterinary doctors to ensure such certificate and it is only to ensure responsible assessment of the health and upkeep of animal. As the most of the grievances raised by the learned counsel for the petitioner, in the last hearing is substantially addressed.

3. Heard, the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

4. In view of the submissions made by the made by the learned counsel for the petitioner and the learned Special Government Pleader, this Court is of the view that the respondent shall ensure that all the guidelines and modified suggestions are followed properly. The only grievance raised by the learned counsel for the petitioner



is that whenever the elephant has to be taken to the hospital to the veterinary doctor, the veterinary doctor's station is very difficult for them. In this regard, the learned Special Government Pleader (Forest) appearing for the respondent would submit that they will coordinate with the Director of Animal Husbandry and give a necessary instructions to all the veterinary doctors to visit the place where the elephants are stationed, on the application of the petitioners.

5. In such view of the matter, this Court is of the view that since all the guidelines have been framed for regulating the transportation of the captive elephants from one place to other, to arrest cruelty and also prevent over working, the guidelines framed by the respondent, cannot be faulted. It is only for the interest of the captive animals. Accordingly, the respondent is directed to strictly enforce all the guidelines with modification as submitted in the form of status report.

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

03.03.2023

Index :Yes/No

Neutral Citation :Yes/No

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N.SATHISH KUMAR, J.

AT

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The Principal Chief Conservator of Forests and
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