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W.P.No.38690 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.38690 of 2025
and
W.M.P.Nos.43257 and 43259 of 2025

R.Rajalakshmi

.. Petitioner

VS

1. The Principal Chief Conservator of Forests and
Chief Wildlife Warden (Head of Forest Force),
Forest Head Quarters,
Guindy – Velachery Main Road,
Near Kannigapuram Check Post,
Guindy, Chennai – 600 032.
2. The District Forest Officer,
O/o.District Forest Officer,
Tirunelveli.
3. The Forest Ranger Officer,
O/o.Palayamkottai,
Tirunelveli.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for records
relating to the impugned communication dated 15.06.2025 made in
C.No.WL1/2231/2025 and the consequential orders dated 04.07.2025



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and 17.09.2025 made in C.No.WL1/2231/2025 – 1 issued by the 1st respondent quash the same and consequently issue transit permit to the petitioner's elephant namely "Kusma" bearing Ownership Certificate No.03/2025 and Micro Chip No.0065F0FCO.

For Petitioner : Mr.G.Ethirajulu
For Respondents : Mr.M.Suresh Kumar
Additional Advocate General
assisted by Dr.T.Seenivasan
Special Government Pleader

ORDER

The petitioner is the owner of an elephant, namely, “Kusma”, aged about 52 years. The petitioner holds an ownership certificate issued *vide* No.03 of 2025. As per the Rules, the elephant has been implanted with a Microchip, bearing No.0065F0FCO. The certificate is valid from 29.01.2025 and expires on 28.01.2030.

2. The petitioner states that the owners of the elephants, like her, take the animals for film shootings, marriages, religious ceremonies and other temple festivals etc., and thereby, generating income to run their livelihood. She states that she spends not less than Rs.5,000/- per day towards the maintenance of Kusma. In terms of the Wild Life (Protection) Act, 1972, the petitioner applied for and obtained a transit



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permit for transporting the animal from Madurai to Tirunelveli, Pudukottai and Sivagangai. The animal was intended to be exhibited at the functions held at Arulmigu Veerasakthi Vinayagar Kovil, Tirunelveli; Arulmighu Sri Vedasamy @ Yaanai Karupannasamy Kovil, Madurai; Arulmighu Selvamuthu Mariamman Thirukovil, Pudukottai; and Sowmiya Narayana Perumal Thirukovil, Sivagangai.

3. It is not in dispute that the animal was transported to all the aforesaid places. There is no allegation that the petitioner had violated any of the conditions imposed for such transportation. It is alleged that when the animal was in Tirunelveli, on 05.06.2025, it participated in a housewarming ceremony at V.M.Chathiram, Tirunelveli. The petitioner states that the temple administrator had performed an aarthi for the elephant, before sending it off, between 4.50 and 4.52 am. It was stated that the elephant was made to participate in a ceremony, without seeking permission of the department. Hence, the respondent sought to initiate action against the petitioner for violating respondent's orders.

4. Based on this incident, a Show Cause Notice was issued to the petitioner on 15.06.2025. The petitioner's caretaker and brother, Hareshbabu, gave a response by e-mail on 01.07.2025, stating that only



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an Aarathi function was performed for the animal during the housewarming ceremony, and that no provisions of the Wild Life (Protection) Act had been violated.

5. Taking serious note of the violation of the guidelines issued by the Principal Chief Conservator of Forests—cum-Head of Forests Force dated 13.06.2024, the first respondent suspended the right of the petitioner to seek transit permit for a period of three months.

6. The petitioner, during the currency of the suspension, applied for permission to take the elephant Kusma, to various temples in September 2025 and requested the issuance of transit permit. The first respondent, on receipt of the request for issuance of transit permit, came to the conclusion that as a criminal case had been registered in Crime No.1 of 2025 on the file of the Judicial Magistrate, Tirunelveli, the petitioner would not be issued with any transit permits, and had further prohibited the participation of the elephant in any public or private functions till the disposal of the case in Crime No.1 of 2025. Aggrieved by the same, the present writ petition.

7. I heard Mr.G.Ethirajulu for the petitioner and Mr.M.Suresh Kumar, learned Additional Advocate General assisted by



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Dr.T.Seenivasan for the respondents.

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8. The narration of the facts shows that the petitioner had authorized her brother, Mr.Hareshbabu, to take the elephant to various places in Madurai, Tirunelveli, Pudukottai and Sivagangai. The transport permit had specified the places to which the animal was permitted to be taken. When the animal was in Tirunelveli, it is the case of the petitioner that it was stationed in the house of the trustee of Arulmighu Veerasakthi Vinayagar Kovil, Tirunelveli. When the animal was about to leave Tirunelveli and proceed to the next venue, the trustee of the temple decided to perform an Aarathi for the elephant. Such an Aarathi was conducted between 4.50 a.m. and 4.52 a.m. and thereafter, the elephant proceeded to next its site. He states that the animal was not taken for a housewarming ceremony, but, the Aarathi was shown only when the animal was leaving the residence of the trustee.

9. Mr.M.Suresh Kumar relied upon a statement that was given by Mr.Hareshbabu and pleads that the animal had been taken to a private housewarming ceremony without obtaining authorisation from the Forest Department, thereby, violated the guidelines issued by the first respondent on 13.06.2024. In particular, guideline No.9, which reads as



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follows :

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" The captive elephants are only participate in the functions mentioned in the Transport Permit. Participations in other en-route activities is not permitted. Appropriate action will be taken in case of violation".

10. Mr.M.Suresh Kumar further states that the said Hareshbabu, after having accepted the fact that the animal was taken for a private function, later on, retracted the earlier statement in order to project a new case. He states that the authorities have duly applied their mind and found that there was a violation of the order dated 13.06.2024 and hence, decided to suspend the transit permit as well as permit to participate in any function until the case is disposed of in Crime No.1 of 2025.

11. Yesterday, I pointed out to Mr.M.Suresh Kumar that a person cannot be subjected to punishment twice for the same act, on the basis of the same facts. This is because an authority does not have a power of *suo motu* review its earlier order, unless and until it is specifically conferred by the statute.

12. In addition, I pointed out that condition No.9 in the order dated 13.06.2024, stipulates that the animal cannot be permitted to participate in the functions en-route, and not that it is prohibited from participating



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in a different function in the same locality.

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13. For the purpose of the present case, a discussion on Rule 9 might not be essential. It is left open to any party aggrieved, when the said Rule is enforced, to agitate on its validity on the facts of that case. Yet the point remains, the petitioner's transit licence had been suspended for a period of three months on 04.07.2025, and without any fresh material, the suspension was extended until further orders till on 17.09.2025. The petitioner has already served the punishment imposed on 04.07.2025. No one can turn clock back to July, 2025, in order to test the validity of the said suspension. The order of suspension has lost its validity on 03.10.2025 and the suspension that is operational today, is the order dated 17.09.2025.

14. When no new facts were available with the first respondent, by placing reliance upon the retracted statement of Hareshbabu to visit the petitioner with an enhanced punishment in Crime No.1 of 2025, is arbitrary and requires to be interfered with.



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15. I would have quashed the order if not for the proceedings that has been issued by the first respondent pursuant to the advise given by the learned Additional Advocate General. On instructions, the first respondent has stated that the suspension order will stand revoked, if the petitioner files an undertaking affidavit expressing her willingness to co-operate with the Forest Department for the disposal of the case in Crime No.1 of 2025. The said instructions are scanned and extracted hereunder:

Tamil Nadu Forest Department

From Thiru. Rakesh Kumar Dogra I, A.S., Principal Chief Conservator of Forests & Chief Wildlife Warden, Forest Headquarters, Coimbatore, Chennai – 500100	To The Special Government Pleader (Forests), Hon'ble Madras High Court, Chennai – 600 104.
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C.No. WLJ 12281 / 2025, Dated : 06-11-2025

Sir,

Sub Forests - Wildlife - Forests - Wildlife - W.P. No. 38690 of 2025
Filed by Thir. R. Rajagaram, Chennai before the Hon'ble
Madras High Court - praying to quash the order for Travel
Permit Denial - prayer to issue travel permit for Captive
Elephant "Kusma" - Status report sent. Regarding,

Ref: Principal Chief Conservator of Forests & Chief Wildlife Warden
Ref. No. WLJ 12281/2025, Dated, 04.11.2025

In continuation of the information about above and documents in the case with
Additional Advocate General, I wish to inform that on examination of the records
and the status of Wildlife Offence Case No. 01/2025 dated 07.06.2025, it has been
decided to revoke the suspension order resulting in issuance of Travel Permit
without prejudice to the ongoing Wildlife Offence No. 01/2025, subject to the
condition that:

The elephant owner should furnish a written undertaking to submit full
cooperation of the logical conclusion of Wildlife Offence Case No. 01/2025.

If Court receiving the above undertaking from elephant owner Thir. R.
Rajagaram and its authorized caretaker Thir. R. Ramesh Babu, further action the
proceeding the Travel Permit requests will be taken as per the provisions in force.

Therefore, I request you, to apprise the above facts before the Hon'ble
Madras High Court when the writ petition W.P. No. 38690 of 2025 comes for
hearing.

Digitally signed by:
Rakesh Kumar Dogra
Date: 06-11-2025
14:11:58
Principal Chief Conservator of Forests
& Chief Wildlife Warden

Copy to the Additional Chief Secretary to the Government, Environment, Climate
Change & Forests Department, Chennai-9



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16. When this was pointed out, Mr.G.Ethirajulu states that the petitioner will file an affidavit by 10.11.2025 before the first respondent.

Once the affidavit is filed, the first respondent shall forthwith pass orders revoking the order dated 17.09.2025, and communicate the same to the petitioner.

17. On the petitioner making any further application for issuance of transit permit, the same shall be considered *de hors* the suspension order already passed.

18. The writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19. This order will not stand in the way of any person, including Mr.Hareshbabu, to raise such defences as it may be open to them in the pending criminal proceedings.

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Speaking order/non-speaking order

Index : Yes/no

ms



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To

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Forest Head Quarters,
Guindy – Velachery Main Road,
Near Kannigapuram Check Post,
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V. LAKSHMINARAYANAN, J.

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