

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4052 of 2026

CAPE Foundation 21/2, Dover Road, P. S. Ballygunge, Kolkata -700019,
through its Managing Trustee Radhika Bose Makar @ Radhika Bose, Female,
Aged About 51 years, D/o Late Malay Kumar Bose, R/o 6/1 A, Nandalal Jew
Road, P.S. Tollygunge, Kolkata-700026, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Forest, Government of Bihar, Patna.
3. The Principal Chief Conservator of Forest (Wildlife) and Chief Wildlife Warden, Bihar, Aranya Bhawan, Patna.
4. The Divisional Forest Officer, Gopalganj Forest Division, Bihar.
5. Mahant Satdeo Das, S/o Late Mahant Chandradeo Das, Satguru Daria Ashram, P.S. Sidhwalia, Dist Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Avanish Kumar Singh, Advocate
For the Respondent/s : Mr.Government Pleader (16)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-06-2026 Heard Mr.Avanish Kumar Singh, learned counsel for
the petitioner and the State.

2. The present petition has been preferred for the
following relief/s:

*(i) for issuance of an appropriate writ, order
or direction commanding the respondent
authorities to immediately identify the
present location of the captive elephants
namely Bhola, Suman and Basanti, presently*



kept by the Respondent No. 5 and/or displaced within the State of Bihar;

ii) for issuance of a writ directing the respondents to forthwith take safe custody of the aforesaid elephants and ensure that no further illegal transportation, displacement or commercial exploitation takes place;

iii) for issuance of a writ directing the respondents to strictly comply with and facilitate implementation of the final judgment dated 23.06.2025 (pronounced on 24.06.2025) passed by the Hon'ble High Court at Calcutta in W.P.A. No. 19941 of 2018 (Cape Foundation & Another vs. State of West Bengal & Others);

iv) for issuance of any other writ/writs, order/orders or direction/directions as this Hon'ble Court may deem fit and proper in the interest of justice, animal welfare and rule of law;

3. Bhola, Suman and Basanti, these are the name of



the captive elephants who according to the petitioner were illegally detained within the territorial jurisdiction of the State of Bihar which otherwise should have been in the State of West Bengal in view of the order passed by the Calcutta High Court in the case of **Cape Foundation and Another vs. State of West Bengal and Another (WPA19941(W) of 2018)** decided by Division Bench on **23.06.2025** (Annexure-P/1 to the writ petition). The same petitioner organization is before this Court.

4. The contention in the writ petition is that through Right to Information Act, they came to know that these three elephants who were earlier with the **Natraj Circus, Kolkata** have been illegally transported to the respondent no.5, Mahant Satdeo Das, in the State of Bihar and wanted it back to the territorial jurisdiction of West Bengal.

5. The Public Interest Litigation vide no. **WP19941(W) of 2018**, as recorded above, was taken up and by an order dated **23.06.2025**, the Division Bench disposed of the matter directing the respondent no. 2 in the said case, Chief Conservator of Forest Wildlife, West Bengal to take immediate steps, interact with the appropriate authorities in the State of Bihar and ensure their return journey to the State of West Bengal. The State respondents were allowed to realize the cost



of transportation in accordance with law.

6. As nothing happened thereafter, CAPE FOUNDATION preferred the present writ petition.

7. Mr. Avanish Kumar Singh, learned counsel for the petitioner submits that within a fortnight of the said order of the Calcutta High Court, the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, West Bengal dated 03.07.2025 requested the Chief Wildlife Warden, Bihar to comply the High Court's order, identify the current location of the elephants and take safe custody to prevent their further displacement so that they can have their return journey to the West Bengal. The list of Officers were also provided and forms part of the writ petition as (Annexure-P/2 to the writ petition).

8. The contention of the petitioner is that through the foundation counsel who is representing them in the Court, the matter was also taken up with the Principal Secretary, Department of Forest, Bihar, Patna and a letter to this effect was handed over on 14.07.2025 but without any response (Annexure-P/3 to the writ petition).

9. The different Annexure shows that the West Bengal officials repeated their request on 10.11.2025 and 15.12.2025 but the Calcutta High Court's order was not complied.



10. It is to be noted that the learned counsel for the petitioner has provided a news report of the 'Statesman' (Kolkata) dated 22.02.2026 to show that '**Suman**', one of the elephant who was visibly unwell but was forced into commercial activity in Siwan subsequently died.

11. Following the writ petition, a counter affidavit has come duly signed by the respondent no.04, the Divisional Forest Officer, Gopalganj, Forest Division, Bihar and their contention is that in the year 2017 itself. It was handed over to one Mahant Satdeo Das (respondent no.05) and after the order of the Calcutta High Court, they took steps and though '**Suman**' is no more, '**Bhola**' (male), **Micro chip no. 00064D7822** and '**Basanti**' (female) **Micro chip no. 00064DFCFI** now stand transferred/handed over to the Divisional Forest Officer, Gorumara National Park, West Bengal pursuant to the letter no. 380 dated 22.03.2026 issued by the Additional Principal Conservator(wildlife) cum Chief Wildlife Warden, Bihar, Patna (respondent no.3).

12. The submission is that the order stands complied and the elephants have been handed over to the West Bengal, Forest Division.

13. Having heard the parties, though the order of the



Calcutta High Court has been belatedly complied, this Court cannot overlook the fact that in between, one of the elephant, **‘Suman’** died. The order of the Calcutta High Court is dated 23.06.2025, the West Bengal counter-part sent a request letter on 03.07.2025 and followed it up by letters dated 10.11.2025 and 15.12.2025.

14. In between, the learned counsel for the petitioner, namely, Mr. Avanish Kumar Singh also visited the Department and made a request to the officials but as usual, the respondents took their own time. **‘Suman’** subsequently died in the month of February, 2026.

15. It is further to be noted that the statements made by the petitioner in the paragraphs 08 to 10 of the writ petition have not been replied by the State respondents inasmuch as, the answer to paragraphs 08 to 10 records it as a matter of fact. To sum up, the respondents have accepted the points put forward by the petitioner that they were well informed about the Calcutta High Court’s order but failed to act in time.

13. In that background and considering the delay caused by the respondents which resulted into the death of **‘Suman’**, the writ petition is disposed of with a cost of Rs.10,000/- imposed upon the State-respondents which shall be



handed over to the learned counsel for the petitioner, Mr. Avanish Kumar Singh in next four weeks. The respondent authorities are free to realize the said amount in accordance with law from the pocket of erring officials who delayed the transfer process which led to the death of ‘**Suman**’.

14. It is expected that Mr. Singh will use the said amount for the purpose of caring any other animal who may be captive and heed rehabilitation.

(Rajiv Roy, J)

Ravi/Shivangi

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