

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR. JUSTICE GOPINATH P.**

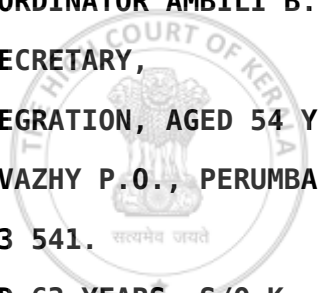
Friday, the 12th day of April 2024 / 23rd Chaithra, 1946
IA.NO.5/2024 IN WP(C) NO. 13204 OF 2021(S)

APPLICANT/55TH RESPONDENT:

M/S WALKING EYE FOUNDATION FOR ANIMAL ADVOCACY,
REG. NO,48/2022, REG. OFFICE AT II/263 A, KAIPARAMBU,
THRISSUR DISTRICT, KERALA STATE - 680546,
REPRESENTED BY ITS FOUNDER AND MANAGING TRUSTEE
VIVEK.K.VISWANATH, AGED 31 YEARS, S/O K V ACHUTHAN,
HAVING A PERMANENT ADDRESS AT KURUNELLIPARAMBIL HOUSE,
KAIPARAMBU. P.O, THRISSUR -680 546.

RESPONDENTS/PETITIONER/RESPONDENTS:

1. IN RE:BRUNO (SUO MOTU) PUBLIC INTEREST LITIGATION PROCEEDINGS INITIATED BY THE HIGH COURT IN THE MATTER OF EXECUTIVE AND LEGISLATIVE INACTION OF THE STATE GOVERNMENT IN THE MATTER OF PROTECTION OF ANIMAL RIGHTS. [RENAMED AS ABOVE AS PER ORDER DATED 02/07/2021 IN WP(C)]
2. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND DAIRYING (DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING), GOVERNMENT OF INDIA, KRISHI BHAVAN, NEW DELHI, PIN-110 001.
3. THE ANIMAL WELFARE BOARD OF INDIA, REPRESENTED BY ITS CHAIRMAN, NATIONAL INSTITUTE OF ANIMAL WELFARE CAMPUS P.O., 42K STONE, DELHI-AGRA HIGHWAY, NH-2, VILLAGE-SEEKRI, HARYANA, PIN-121 004.
4. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.
5. STATE OF KERALA, REPRESENTED BY THE SECRETARY, ANIMAL HUSBANDRY DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 036.

6. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 036.
7. THE KERALA STATE ANIMAL WELFARE BOARD,
THIRUVANANTHAPURAM-695 036.
8. THE KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY,
POOKODE, LAKKIDI P.O., WAYANAD, PIN-673 576.
9. STATE POLICE CHIEF, KERALA, THIRUVANANTHAPURAM, PIN-695 010.
10. SRUTHY N.BHAT, ADVOCATE, HIGH COURT OF KERALA, AGED 27 YEARS,
D/O.O.H. NANDAKUMAR BHAT, SANSKRITHI GARDEN, PERANDLOOR ROAD,
KALOOR NORTH, KOCHI-682 026.
11. (DAYA), HAVING REGISTERED NUMBER E.R.737/01 WITH
ITS REGISTERED OFFICE AT XXII/459/A, PRAKASH ROAD,
VELLOORKUNNAM, MUVATTUPUZHA, ERNAKULAM-686 673, KERALA,
REPRESENTED BY ITS CO-ORDINATOR AMBILI B.
12. ANGELS NAIR, GENERAL SECRETARY,
ANIMAL LEGAL FORCE INTEGRATION, AGED 54 YEARS,
KAPPILLIL HOUSE, PULLUVAZHY P.O., PERUMBAVOOR,
ERNAKULAM DIST. PIN-683 541. 
13. M.N. JAYACHANDRAN, AGED 63 YEARS, S/O.K. NARAYANAN NAIR,
RESIDING AT MUNDAMATTOM HOUSE, THODUPUZHA P.O.,
IDUKKI-685 584.
14. P. SARAGANDHARAN, THUMBIL, EZHUPUNNA SOUTH P.O.,
CHERTHALA, PIN-688537.
15. THE THRIKKAKARA MUNICIPALITY, REPRESENTED BY ITS
SECRETARY, KAKKANAD P.O., KOCHI-682 030.
16. THE STATE KUDUMBASREE MISSION,
REPRESENTED BY THE EXECUTIVE DIRECTOR,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM-695 011.
17. DHYAN FOUNDATION, A REGISTERED CHARITABLE TRUST,
REPRESENTED BY ITS TRUSTEE, DR.PRASAN PRABHAKAR,
AGED 48 YEARS, S/O.DR.M.C. PRABHAKAR,
RESIDING AT LAXMI PRASAD, PANAYAPILLY, KOCHI-682 005.

18. ANIMAL RESCUE REHABILITATION & OVERALL WELLNESS (ARROW),
214/IX KADAMANNIL, KUMBAZHA NORTH, MYLAPRA P.O.,
PATHANAMTHITTA-689 671, REPRESENTED BY ITS MANAGING TRUSTEE.
19. PEOPLE FOR ANIMALS (PFA), REPRESENTED BY ITS SECRETARY,
KARTHIKA, ANAYARA, THIRUVANANTHAPURAM-695 029.
20. PEOPLE FOR ANIMAL WELFARE SERVICE (PAWS)-
THRISSUR CHARITABLE TRUST, RAJ VIHAR, POOTHOLE P.O,
THRISSUR-680 004, REPRESENTED BY ITS SECRETARY.
21. MUNICIPAL CORPORATION, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY, OPP. LMS COMPOUND,
UNIVERSITY OF KERALA, SENATE HOUSE CAMPUS, PMG,
THIRUVANANTHAPURAM-695 033.
22. MUNICIPAL CORPORATION, KOLLAM, REPRESENTED BY ITS
SECRETARY, CHINNAKADA P.O., KOLLAM-691 001.
23. MUNICIPAL CORPORATION, THRISSUR,
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE ROAD,
THEKKINKADU MAIDAN, THRISSUR-680 001.
24. MUNICIPAL CORPORATION, KOCHI, REPRESENTED BY ITS
SECRETARY, ERNAKULAM H.P.O., KOCHI-682 011.
25. MUNICIPAL CORPORATION, KOZHIKODE,
REPRESENTED BY ITS SECRETARY,
KOZHIKODE BEACH ROAD, KOZHIKODE, PIN-673 032.
26. MUNICIPAL CORPORATION, KANNUR, REPRESENTED BY ITS
SECRETARY, THALAP P.O., KANNUR-670 017.
27. MADRAS ANIMAL RESCUE SOCIETY 4/339, SANGARAPURAM,
FIRST STREET, PALAVAKKAM, CHENNAI - 600041,
28. SMT.RANJINI HARIDAS, AGED 39 YEARS, D/O.HARIDAS,
'HARISREE', PONNETH SOUTH TEMPLE ROAD,
CHILAVANNOR-682 020,
29. GAURI MAULEKHI, AGED 44 YEARS, W/O.DUSHYANT MAULEKHI,
RESIDING AT 40/153, CR PARK, NEW DELHI-110 019.

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30. SANGITA IYER, AGED 59 YEARS, D/O.MR.K. ANANTHARAMAN,
PERMANENTLY RESIDING IN TORONTO, CANADA, PRESIDENT,
VOICE FOR ASIAN ELEPHANTS SOCIETY, TORONTO, CANADA,
REPRESENTED BY HER POWER OF ATTORNEY SATISH MURTHI,
2ND FLOOR, BETA PLAZA, DR.KRISHNASWAMY ROAD,
COCHIN-682 035.
31. DR.ZAHIRA. B., AGED 51 YEARS, W/O.DR.MANZOOR AHAMMED,
CHUNGASSERI MANZIL, PADA NORTH, KARUNAGAPPALLY P.O.,
KOLLAM-690 518.
32. SANTHOSH. T.S., AGED 46 YEARS, S/O.T.V. SASIDHARAN,
RESIDING AT THIRUNILATHU HOUSE, NETTOOR P.O.,
MARADU, ERNAKULAM-682 040.
33. UNION OF INDIA, REPRESENTED BY THE MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE (FOREST AND WILD LIFE DIVISION,
PROJECT ELEPHANT), NEW DELHI-110 003.
34. PRADEEP P.D., AGED 33 YEARS, S/O.DIVAKARAN,
PUTHUVAL NIKARTH, PALLIPURAM P.O.,
CHERTHALA, 688 541, ALAPPUZHA.
35. AKSHAY V.PRABHU, S/O.VEDANGA G.PRABHU,
AKSHAYA HOSPITAL, KADAVANTHRA, KOCHI, KERALA-682 020.
36. KOLLAM DISTRICT PANCHAYATH, KOLLAM DISTRICT,
THEVALLY P.O., PIN-691 009, REPRESENTED BY ITS SECRETARY.
37. EDRAAC (ERNAKULAM DISTRICT RESIDENTS '
ASSOCIATION'S APEX COUNCIL), REG. NO.ER/735/03,
CORPORATION SHOPPING COMPLEX, SUBHASH CHANDRA BOSE
ROAD JUNCTION, PONNURUNNI, VYTTILA,
COCHIN-19, PIN-682 019.
38. THE PUNALUR MUNICIPALITY,
REPRESENTED BY ITS SECRETARY.

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39. M/S. SREDHA MOBILE ARTIFICIAL INSEMINATION AND
VETERINARY SERVICES REP. BY ITS MANAGING PARTNER
PRIYA PRAKASHAN, D/O.PRAKASHAN, NEERIKODE P.O.,
ALANGAD, ERNAKULAM-683 511.
40. SRI. RADHAKRISHNAN, PANANCHERRY HOUSE, PAYYAPPILLY MOOLA,
PUTHUR, THRISSUR-680 014
41. SRI. GANESAN, S/O.SRI. RADHAKRISHNAN, PANANCHERRY HOUSE,
PAYYAPPILLY MOOLA, PUTHUR, THRISSUR-680 014
42. JOSE K.MANI, MEMBER OF PARLIAMENT, CHAIRMAN,
KERALA CONGRESS (M), STATE COMMITTEE OFFICE,
NEAR FIRE STATION, KOTTAYAM-686 001.
43. JEEVAN RAJEEV, AGED 30 YEARS S/O.RAJEEV. A.,
KARTHIKA, PAKKAIL P.O., KOTTAYAM-686 013.
44. DR. K.P. SHIBU, GED 53 YEARS S/O. K.S. PAVITHRAN,
KURUNDODATH HOUSE, EROOR SPO., PIN-682 306.
45. DR.ANITHA M.A., AGED 51 YEARS W/O. DR. K.P. SHIBU,
KURUNDODATH HOUSE, EROOR SPO.
46. CHINNAKKANAL GRAMA PANCHAYAT, REPRESENTED BY
ITS SECRETARY, CHINNAKKANAL P.O., IDUKKI-685 618
47. SANTHANPARA GRAMA PANCHAYAT, REPRESENTED BY ITS PRESIDENT,
OFFICE OF THE SANTHANPARA GRAMA PANCHAYAT,
SANTHANPARA P.O., IDUKKI DISTRICT, PIN-685 619.
48. DEAN KURIAKOSE, AGED 42 YEARS, S/O A.M. KURIAKOSE,
ANANICKAL HOUSE, PAINGOTTOOR P.O., KULAPPURAM,
MUVATTUPUZHA, ERNAKULAM DISTRICT, PIN-686 671.

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49. KERALA INDEPENDENT FARMERS ASSOCIATION (KIFA),
5/518, NIRANATH BUILDING, THALAYAD P.O., UNNIKULAM,
KOZHIKODE-673 574, REPRESENTED BY ITS CHAIRMAN
SRI.ALEX OZHUKAYIL CHANDY FRANCIS, AGED 41 YEARS,
S/O.CHANDY FRANCIS, OZHUKAYIL HOUSE, KARIYATHUMPARA,
KALLANODE P.O., KOZHIKODE, PIN-673 615.
50. SUJIMOL K.R., AGED 32 YEARS, D/O.RAJU,
RESIDING AT KINTTAKAL 595 A, SINGUKANDAM, ANGANVADI,
SURANALLY, CHINNAKANAL, IDUKKI, KERALA-685 618.
51. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS &
HEAD OF FOREST FORCE, FOREST HEAD QUARTERS, VAZHUTHACAUD,
THYCAUD P.O., THIRUVANANTHAPURAM-695 014.
52. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (WILDLIFE) &
CHIEF WILDLIFE WARDEN (KERALA), FOREST HEAD QUARTERS,
THYCAUD P.O., THIRUVANANTHAPURAM-695 014.
53. ATHIRAPILLY GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, VETTELAPPARA,
PERIYARAM, KERALA
54. THE MEMBER SECRETARY,
KERALA STATE LEGAL SERVICES AUTHORITY.
55. ANEESH MATHEW, AGED 47 YEARS, S/O. MATHEW, RESIDING AT
VENGALISHERRIL VEEDU, CHINNAKANAL PANCHAYAT,
UDUMBANCHIRA TALUK, MUNNAR PIN :685 618.
56. THE EMPLOYEES PROVIDENT FUND ORGANIZATION,
REGIONAL OFFICE AT THIRUVANANTHAPURAM,
REPRESENTED BY THE REGIONAL PROVIDENT FUND COMMISSIONER.
57. PAL RAJ, AGED 52 YEARS, S/O. OORU MOOPAN,
DOOR. NO. 150, CHEMBAKA THOZHU KUDI,
SINKUKANDAM P.O, CHINNAKANAL, IDUKKI - 685 618.
58. MUTHUKUMAR, AGED 51 YEARS, S/O. OORU MOOPAN,
DOOR NO. 54, PACHAPULKUDI, SINKUKANDOM P.O,
SURYANELLI - IDUKKI - 685 618.

59. CHANDRAN T, AGED 50 YEARS, S/O. OORU MOOPAN,
DOOR NO. 87, TANK KUDI, SINKUKANDOM P.O,
CHINNAKANAL - IDUKKI - 685 618.
60. YASHODARAN K, AGED 48 YEARS, S/O. OORU MOOPAN,
DOOR NO. 225, 301 COLONY, SINKUKANDAM P.O,
CHINNAKANAL, IDUKKI - 685 618.
61. PEOPLE FOR ANIMAL WELFARE, SM HOSPITAL,
THANA P.O., KANNUR - 670 012,
REPRESENTED BY ITS PRESIDENT DR. SUSHMA PRABHU
62. THE KERALA STATE ELECTRICITY BOARD, VYDYUTHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM, REPRESENTED BY ITS
CHAIRMAN AND MANAGING DIRECTOR
63. THE KERALA HYDEL TOURISM, VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM, REPRESENTED BY ITS DIRECTOR.
64. THE AIRPORT AUTHORITY OF INDIA,
TRIVANDRUM INTERNATIONAL AIRPORT CHACKAI SIDE,
THIRUVANANTHAPURAM-695 008, REPRESENTED BY AIRPORT MANAGER.
65. SHRI.V. K. VENKITACHALAM, AGED 73 YEARS,
S/O LATE V. N KRISHNA IYER, RESIDING AT PATTAMALI MADOM,
T.C. 35/571, THIRUVAMBADI P.O. , PIN- 680 022
66. THE PRINCIPAL SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

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Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to:

(1) Call for the ownership certificates of the elephant Mahadevan/Pananchery Gajendran (00064EE8E4) owned by Mr.Ganesan (Respondent 40), S/o.Sri.Radhakrishnan, Panancherry House, Payyappilly Moola, Puthur, Thrissur - 680 014, along with the details of the festivals in which the tusker was paraded in the year 2024.

(2) Direct the forest department to avail the details of captive elephants that are alive with microchip number, name and address of owner, name and address of custodian, identification marks, registered district, etc.

(3) Direct the owner to submit the latest Fitness Certificate issued by the registered Veterinary Doctor that allowed the sick elephant to be paraded and transported to the present tethering place at Harippad, Alappuzha.

(4) Direct forest department to seize and take the animal to Abhayaranyam, Kodanad for further treatment and care,

in the interest of justice.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of M/S.GAYATHRI MURALEEDHARAN, RAMAKRISHNAN M.N.& ARATHY P. Advocates for the applicant in IA/R55 in WP(C), DEPUTY SOLICITOR GENERAL OF INDIA & SRI.JAISHANKAR V.NAIR, CENTRAL GOVERNMENT COUNSEL for R2 in IA/R1 in WPC, SMT.M.U.VIJAYALAKSHMI, STANDING COUNSEL for R3 in IA/R2 in WPC, SRI.ASOK M.CHERIAN, ADDITIONAL ADVOCATE GENERAL for R4 to R7 in IA/R3 to R6 in WPC, SMT.AYSHA YOUSEFF & SRI.MANU GOVIND, Advocates for R8 in IA/R7 in WPC, SRI.SHAJI.T.A., DIRECTOR GENERAL OF PROSECUTION & P.NARAYANAN, ADDL.PUBLIC PROSECUTOR for R9 in IA/R8 in WPC, Advocate SMT.SRUTHY N.BHAT (PARTY IN PERSON) as R10 in IA/Addl.R9 in WPC, M/S.ADITHYA RAJEEV & NIHARIKA HEMA RAJ, Advocates for R11 in IA/R10 in WPC, SRI.ANGELS NAIR PARTY IN PERSON AS R12 in IA/Addl.R11 in WPC, M/S.GANGA A.SANKAR, REJIVUE, THANUJA ROSHAN, CHACKOCHEN VITHAYATHIL, VISHNU RAJAGOPAL, VISWAJITH.C.K. & GISHA G.RAJ, M.R.HARIRAJ, Advocates for R13 in IA/Addl.R12 in WPC, M/S. B.S.SWATHI KUMAR, ANITHA RAVINDRAN & HARISANKAR N UNNI, Advocates for R14 in IA/Addl. R13 in WPC, SRI.S. JAMAL, Advocate for R15 in IA/Addl. R14 in WPC, M/S. K.V.PRAKASH, D.G. VIPIN, KAROL MATHEWS SEBASTIAN ALANCHERRY, Advocates for R16 in IA/Addl.R15 in WPC, M/S.ASWIN GOPAKUMAR, KANDAMPULLY VIKRAM & NIKITHA SUSAN PAULSON for R17 in IA/Addl. R16 in WPC, M/S.KRISHNA PRASAD. S, SINDHU S.KAMATH & ROHINI NAIR, Advocates for R18 in IA/Addl.R17 in WPC, M/S.PRASANTH S.R. & BHANU THILAK,

Advocates for R19 in IA/Addl.R18 in WPC, SRI.BRIJESH MOHAN, Advocate for R20 in IA/Addl.R19 in WPC, SRI. NANDAKUMARA MENON SENIOR ADVOCATE ALONG WITH SRI.P.K.MANOJ KUMAR, ADVOCATE for R21 in IA/Addl.R20 in WPC, SRI.M.K.CHANDRAMOHAN DAS & SRI.S. SREEKUMAR ADVOCATE FOR R22 in IA/Addl.R21 in WPC, SRI.SANTHOSH.P.PODUVAL, ADVOCATE FOR R23 in IA/Addl.R22 in WPC, SRI.K.JANARDHANA SHENOY, SC for R24 in IA/Addl.R23 in WPC, SRI.V.KRISHNA MENON, ADVOCATE FOR R25 in IA/ADDL.R24 in WPC, SMT.MEENA JOHN, ADVOCATE FOR R26 in IA/ADDL R25 in WPC, M/S. S.R.K. PRATHAP, JISSMON A.KURIAKOSE, Advocates for R27 in IA/R26 in WPC, SMT.RANJINI HARIDAS (PARTY IN-PERSON) for R28 in IA/Addl. R27 in WPC, M/S. P.R. VENKATESH & KEERTHIVAS. G., Advocates for R29 in IA/Addl. R28 in WPC, M/S.UMA DEVI. M., Advocate for R30 in IA/Addl.R29 in WPC, M/S. RAJESH VIJAYAN & SIKHA S.NAIR, Advocates for R31 in IA/Addl. R30 in WPC, M/S. C.A. MAJEED, K.H. ASIF, MOLTY MAJEED, P.B. UNNIKRISHNAN NAIR & MATHEW VARGHESE, Advocates for R32 in IA/Addl. R31 in WPC, SRI.JAISHANKAR V.NAIR, CENTRAL GOVERNMENT COUNSEL for R33 in IA/Addl. R32 in WPC, M/S.ADITYA THEJUS KRISHNAN & FERHA AZEEZ, Advocates for R34 in IA/Addl.R33 in WPC, M/S.BHANU THILAK & S.R.PRASANTH, Advocates for R35, R65 in IA/Addl. R34, R65 in WPC, SRI.MANOJ RAMASWAMY, Advocate for R36 & R38 in IA/Addl. R35 & R37 in WPC, SMT.SREEJA SOHAN, SRI.ATUL SOHAN Advocates for R37 in IA/Addl. R36 in WPC, SRI.ANIL SIVARAMAN, Advocate for R39 in IA/Addl. R38 in WPC, SRI.G.SREEKUMAR (CHELUR), Advocate for R40 & R41 in IA/Addl.R39 & R40 in WP(C), M/S. AUGUSTINE JOSEPH, TONY AUGUSTINE & AISWARYA E.J. VETTIKOMBIL, Advocates for R42 in IA/Addl. R41 in WP(C), M/S.NEERAJ NARAYAN & HARIKRISHNAN. R., Advocates for R43 in IA/Addl. R42 in WP(C), M/S.CHANDRASEKHAR & P.M. SATHEESH, Advocates for R44 & R45 in IA/R43 & R44 in WP(C), M/S. SABU GEORGE, P.B. KRISHNAN, P.B. SUBRAMANYAN, MANU VYASAN PETER & DILIP THOMAS, Advocates for R46 in IA/R45 in WP(C), SRI.JOICE GEORGE, Advocate for R47 in IA/R46 in WP(C), SRI.ARUN THOMAS, Advocate for R48 in IA/R47 in WP(C), M/S.ALEX M.SCARIA, SARITHA THOMAS, ALEN J.CHERUVIL, SAHL ABDUL KADER & SANJITH KUMAR. R., Advocates for R49 in IA/ R48 in WP(C), M/S.PAUL P.ABRAHAM & TOBIAS TOGI MATHEW, Advocates for R50 in IA/R49 in WP(C), SMT. I.SHEELA DEVI,BINESH K N, Advocates for R53 in IA/Addl. R52 in WP(C), M/S. SANDESH RAJA, DENU JOSEPH, ASWIN T.SURESH & MUHISEENA V.Z, Advocates for R55 in IA/Addl.R54 in WP(C), Adv. SREERAJ. M.D for ADDL. R57 TO R60 in IA/WP(C), M/S. SRUTHY.N BHAT & NIKITA.J MENDEZ, Advocates for ADDL.R61 in IA/WP(C), SMT. LATHA ANAND, Advocate for ADDL.R63 in IA/WP(C), SRI.V. SANTHARAM, Advocate for Addl. R64 in IA/WP(C), GOVERNMENT PLEADER for Addl.R66 in IA/WP(C) and of SRI.NAGARAJ NARAYANAN, SPECIAL GOVERNMENT PLEADER, SRI.S.RAMESH BABU (SENIOR ADVOCATE) & SRI.T.C.SURESH MENON, AMICI CURIAE, the Court passed the following:

DR. A.K.JAYASANKARAN NAMBIAR, J.
&
GOPINATH P., J.

W.P.(C).NO.13204 OF 2021

Dated this the 12th day of April, 2024

ORDER

Gopinath P., J.

When these matters were taken up on the last occasion we had directed that some additional restrictions on the parading of captive elephants must be put in place considering the present climatic conditions in the State and also keeping in mind the repeated instances of captive elephants running amok that have been reported by the media. In furtherance of the directions issued by us, Sri.Nagaraj Narayanan, the learned Special Government Pleader (Forests) has placed before us a copy of the Circular [Circular No.1/2024] dated 11.04.2024 issued by the Principal Chief Forest Conservator (Wildlife) & Chief Wildlife Warden Kerala regarding the parading of captive elephants especially taking into consideration the present climatic conditions in the State. We have perused the Circular, and we direct that the provisions of the above Circular be strictly implemented by all Officers concerned without fail. We make it clear that any instance of violation of the above Circular will be treated as a violation of the orders of this Court and suitable action will be taken on that basis.

2. The learned Special Government Pleader (Forests) has also made available to us certain instructions issued regarding the conduct of the *Thrissur Pooram*, where a large number of captive elephants are expected to be paraded. As in the case of Circular No.1/2024, we direct that the additional instructions issued in regard to the conduct of the *Thrissur Pooram* shall also be strictly enforced by the Officers concerned including Officials of the Police Department, the Revenue Department, the Veterinary Department and the Forest Department, and any violation of the terms of the additional instructions shall be dealt with as in the case of any violation of Circular No.1/2024. For the sake of clarity, we make it clear that the instructions issued specifically in relation to the conduct of *Thrissur Pooram* shall be in addition to and not in derogation of the instructions issued in Circular No.1/2024 dated 11.04.2024. To ensure that no injured elephant or any other elephant, which is incapable of being paraded, is so paraded in the *Thrissur Pooram*, we direct that the fitness certificate in respect of each of the captive elephants that are proposed to be paraded/used in connection with the *Thrissur Pooram* shall be made available to this Court by 5.00 p.m. on 16.04.2024 positively. Any captive elephant whose fitness certificate is not produced before this Court by 5.00 p.m. on 16.04.2024 will not be permitted to be paraded in the *Thrissur Pooram* this year. The learned Special Government Pleader (Forests)

shall ensure that the details of the fitness certificates and the list of the elephants proposed to be paraded in the *Thrissur Pooram* this year will be shared with Sri.T.C.Suresh Menon and Adv.Sri.Arun Chandran, the learned *amici curiae*.

3. Sri.Sandesh Raja, the learned counsel appearing for the 54th respondent brought to our notice that a wild elephant has fallen to a pit near Kothamangalam. Sri.Nagaraj Narayanan, the learned Special Government Pleader (Forests) submits that every effort is being made to rescue the elephant and release it back into the forest. He assures us that darting will be done only if it is necessary. The jurisdictional Police Officers shall ensure that there is no crowding of the public at the site of the rescue. They shall provide necessary assistance to the forest officials to ensure that there is no law and order situation and overcrowding of the public at the site of the rescue. It is further directed that every effort shall be made by the forest officials to release the elephant into the forest after ascertaining its health condition.

Post on 17.04.2024 at 11.00 a.m. through VC.

I.A.No.8/2024 in W.P.(C).No.13204/2021:

Having regard to the averments in the affidavit filed in support of I.A.No.8 of 2024 pertaining to the elephant by name

“*Mangalamkunnu Umamaheswaran*”, we deem it fit to direct that the said elephant shall not be permitted to be paraded in any festival or used for any commercial purpose without obtaining further orders from this Court. The said elephant shall be tethered in suitable conditions at Palakkad where it is currently situated. The Assistant Conservator of Forest, Social Forestry Division, Palakkad, who is personally present in Court today, will ensure that the above elephant is properly taken care of. He will file a report before this Court within one month from today, after monitoring the health condition of the elephant.

I.A.No.5/2024 in W.P.(C).No.13204/2021:

The above I.A. is filed regarding the captive elephant “*Pananchery Gajendran*”. After having heard the learned counsel appearing for the applicant, Sri.T.C.Suresh Menon, the learned *Amicus Curiae* and Sri.M.R. Hariraj, learned senior counsel, we are convinced that the elephant “*Pananchery Gajendran*” should not be allowed to be paraded until further orders from this Court. It is clear from the submissions made on behalf of the 40th respondent in the I.A, (who is stated to be the person in possession of the elephant) that he had obtained the elephant from one Uttoli Krishnan. It is pointed out to us by Sri.M.R. Hariraj, learned Senior Counsel, that the ownership certificate shows the name of the elephant in question as “Mahadevan” and the owner's name as Neelakandan Namboothiri

and that it is not clear as to how the elephant came into possession of the aforesaid Uttoli Krishnan and thereafter with the 40th respondent in the I.A. The elephant is now stated to be in Alappuzha District. We therefore direct the Assistant Conservator of Forest, Social Forestry Division, Alappuzha to ensure that the elephant shall not be transported outside Alappuzha. The Assistant Conservator of Forest, Social Forestry Division, Alappuzha will also ensure that proper care is given to the said elephant at the place where it is currently tethered. If necessary, the Assistant Conservator of Forest, Social Forestry Division, Alappuzha, who is personally present in Court, is authorised to issue necessary directions to the 40th respondent in the above I.A. regarding the proper care and custody of the elephant. The Assistant Conservator of Forest, Social Forestry Division, Alappuzha, will also ensure that the elephant is not paraded or used for any commercial purposes without obtaining further orders from this Court.

**Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE**

**Sd/-
GOPINATH P.
JUDGE**

prp/13/4/24