

S U P R E M E C O U R T O F  
R E C O R D O F P R O C E E D I N G S

I N D I A

I.A. 25 &amp; 27/2016 in Writ Petition(s)(Civil)

No(s). 743/2014

WILDLIFE RESCUE AND REHABILITATION CENTRE AND ORS.

Petitioner(s)

VERSUS

UNION OF INDIA AND OTHERS

Respondent(s)

(for directions and office report)

Date : 04/05/2016 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGHFor Petitioner(s) Ms. Aparna Bhat, AOR  
Ms. Shibani Ghosh, Adv.  
Mr. Pukhramban Ramesh Kumar, Adv.For Respondent(s) Mr. Rana Mukherji, Sr. Adv.  
Ms. Movita, Adv.  
Mr. G.s. Makkar, Adv.  
Mr. S.N. Terdal, Adv.Mr. V. Giri, Sr. Adv.  
Mr. K. Parameshwar, AORMr. C.A. sundaram, Sr. Adv.  
Mr. Ajit Sharma, AORMs. Satya Siddiqui, Adv.  
Mr. Ankolekar Gurudatta, AOR

Mr. A. Raghunath, AOR

Mr. Balaji Srinivasan, AOR

Signature Not Verified

Digitally signed by  
GULSHAN KUMAR  
ARORA  
Date: 2016.05.04Mr. K. Venkataramani, Sr. Adv.  
Mr. B. Balaji, AOR17:13:21 IST  
Reason:

Mr. Muthuvel Palani, Adv.

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Mr. Sanchar Anand, AAG  
Mr. Apoorv singhal, Adv.  
Mr. Devendra Singh, AORMr. Gopal Singh, AOR  
Mr. Varsha Poddar, Adv.

Mr. Jogy Scaria, AOR  
Ms. Beena Victor, Adv.

Mr. K. Rajeev, AOR

Ms. Mukti Chowdhary, AOR

Mr. Arjun Vinod Bobde, Adv.  
Ms. Pragya Baghel, AOR

Ms. Ruchi Kohli, AOR

Mr. Shivraj Gaonkar, AOR

Mr. Sidharth Luthra, Sr. Adv.  
Ms. Supriya Juneja, AOR  
Mr. Aditya Singla, Adv.  
Mr. Sameer Chaudhary, Adv.  
Mr. viraj Gandhi, Adv.  
Ms. Mehaak Jaggi, Adv.

Mr. Sarfraz A. siddiqui R., Adv.  
Mr. Ajay Makkar, Adv.

Mr. Ramakrishna Prasad, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

I.A. Nos.25 & 27

In these two interlocutory applications, though numerous prayers have been made, the basic relief, as we perceive, relates to quashing of G.O. (Rt) No.84/2016/F&WLD dated 26.02.2016 issued by the Government of Kerala, Respondent No.9 and cancellation of any ownership certificate issued in pursuance of the said notification.

It is submitted by Ms. Aparna Bhat, learned counsel appearing for the petitioners that the State Government under the Wild Life

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Protection Act, 1972 has no authority to issue such a notification. A counter affidavit has been filed by the Union of India referring to Section 40(4) of the Act to show that the State Government can make a declaration subject to certain conditions. Mr. Jogy Scaria, learned counsel for the State submitted that it has jurisdiction to issue an amnesty scheme. The said submission is founded on the counter affidavit filed by the State.

Mr. V. Giri, learned counsel appearing for the Elephant Owners Association has drawn our attention to the order dated 29.03.2016 wherein this Court, while recording the submission of Mr. C.A. Sundaram, learned senior counsel appearing for the Animal Welfare Board, has framed three fundamental issues that :-

"(i) after the Act has come into force, whether any person can keep an elephant in his custody as the owner; (ii) assuming there is no prohibition for keeping an elephant, what Rule should govern the upkeep of the animal; and (iii) who are the authorities to regulate the health, upkeep and the manner in which the elephants are to be treated and used."

Relying on the said order, it is urged by Mr. Giri that the

issue that has been raised in these interlocutory applications is inherently connected with the aforesaid fundamental issues.

Having heard the learned counsel for the parties, we think it appropriate that the submission raised in both the interlocutory applications shall be dealt with while dealing with the three submissions that have been raised by Mr. Sundaram, learned senior counsel appearing on behalf of the Animal Welfare Board. While we are of the view that the said issues raised shall be dealt with at the final stage of hearing, we think it apt to direct that the State Government shall not issue any ownership certificate to any of the persons in possession of elephants. That apart, the persons who are in possession of elephants shall not transfer the elephants outside the State nor shall they part with the elephants by way of transfer in any manner. If any ownership certificate has been

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issued in the meantime, the same shall be withdrawn subject to the final verdict of this Court.

The interlocutory applications shall be taken up along with the main writ petition on 13.07.2016.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master