

GAHC010188122022



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6107/2022

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
AND HEAD OF FOREST FORCE, ASSAM, PANJABARI, GUWAHATI- 781037.

2: THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND THE HEAD OF
FORESTS FORCE
ASSAM
PANJABARI
GUWAHATI-781037

3: THE CHIEF WILDLIFE WARDEN
ASSAM
ARANYA BHAWAN
GUWAHATI- 781037

VERSUS

THE UNION OF INDIA AND 7 ORS.
MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE
(PROJECT ELEPHANT DIVISION), INDIRA PARYAVARAN BHAWAN, JOR
BAGH ROAD, ALIGANJ, NEW DELHI- 110003.

2:THE CHIEF SECRETARY TO THE GOVERNMENT OF TAMIL NADU
SECRETARIAT
CHENNAI- 600009.

3:THE ADDL. CHIEF SECRETARY TO THE GOVERNMENT OF TAMIL NADU
SECRETARIAT
CHENNAI- 600009.

4:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND THE HEAD OF
FORESTS FORCE
TAMIL NADU
CHENNAI- 600015.

5:THE CHIEF WILDLIFE WARDEN
TAMIL NADU
CHENNAI - 600015.

6:THE DIRECTOR GENERAL OF POLICE
TAMIL NADU
CHENNAI- 600004.

7:GIRIN MORAN
S/O- LATE KANDURA MORAN
R/O- UPAR KACHIJAN VILLAGE
KACHIJAN CHARIALI POST
P.S.- KAKAPATHAR
DISTRICT- TINSUKIA
ASSAM.

8:PEOPLE FOR THE ETHICAL TREATMENT OF ANIMAL (PETA)
INDIA
REP. BY KHUSHBOO GUPTA
SERVING AS DIRECTOR OF ADVOCACY PROJECTS IN PEOPLE FOR THE
ETHICAL TREATMENT OF ANIMALS (PETA)
INDIA
HAVING ITS REGISTERED OFFICE AT F-110
1ST FLOOR
JAGDAMBA TOWER
PLOT NO. 13
COMMUNITY CENTRE
PREET VIHAR
NEW DELHI- 110092.

9:PEOPLE FOR CATTLE IN INDIA
REPRESENTED BY ARUN PRASANNA G
FOUNDER AND MANAGING TRUSTEE OF THE TRUST
AGED ABOUT 31 YEARS
RESIDENT OF NO. 8/22
RAGAVIYAH ROAD
T NAGAR
CHENNAI-600017.

10:ARUN PRASANNA G
AGED ABOUT 31 YEARS
RESIDENT OF NO. 8/22
RAGAVIYAH ROAD
T NAGAR
CHENNAI-600017

PADMINI BARUA,MS RUKMINI BARUA

Advocate for the Respondent : ASSTT.S.G.I., MRS M DAS (R-9,10),MS. M BORGHAIN (R-9,10),MR. P MAHANTA (R-9,10),MR. U PATHAK(R-2,3,4,5,6),MR. A R GOGOI(R-2,3,4,5,6),MR. P K TIWARI(R-2,3,4,5,6),MS. N MAHANTA (R-8),MR. N GAUTAM (R-8),MR D J DAS (R-8),MR. K N CHOUDHURY (R-8),MR H GUPTA

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 05.03.2025

Heard Mr. D. Saikia, learned Advocate General, Assam assisted by Ms. P. Barua, learned counsel for the petitioners; Mr. H. Gupta, learned Central Government Counsel [CGC] for the respondent no. 1; Mr. P.K. Tiwari, learned Senior Counsel assisted by Mr. A.R. Gogoi, learned counsel for the respondent nos. 2, 3, 4, 5 & 6; Mr. K.N. Choudhury, learned Senior Counsel assisted by Mr. D.J. Das, learned counsel for the respondent no. 8; and Mr. P. Mahanta, learned counsel for the respondent nos. 9 & 10.

Mr. Saikia, learned Advocate General, Assam has submitted that appropriate pleadings will be filed within a week's time for impleadment of the concerned temple wherein the elephant named *Joymala* is held captive.

The learned counsel for the parties during the course of their submissions have raised the issue of health conditions of the elephant, *Joymala*.

As it is submitted by Mr. Tiwari, learned Senior Counsel appearing for the State of Tamilnadu that periodical inspections of the elephant, *Joymala* are being made from time to time and this Court has found that the affidavit-in-opposition on behalf of the respondent nos. 2 – 6 was filed on 21.08.2024, this Court observes that the periodical inspection reports prepared by the Forest Department Officials of the State of Tamilnadu in respect of the inspections made after August, 2024 regarding the health condition of *Joymala* should be brought on record by way of an affidavit within a period of two weeks.

As agreed to by the learned counsel for the parties, list the case on 27.03.2025.

The copy of the GORT no. 530 dated 27.09.2024 passed by the Principal Secretary

to the Government of Tamilnadu, Environment, Climate Change & Forest Department and placed by Mr. Tiwari, is to be kept with the case records by marking it as Document 'X'.

JUDGE

Comparing Assistant