

SECTION PIL (WRIT)

MATTER FOR : 13.07.2016

COURT NO. :

ITEM NO. :

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 743 OF 2014
(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NOS. 17, 19, 20, 21,
22, 25, 27 & 31

(Application for Directions)

AND

INTERLOCUTORY APPLICATION NO. 23

(Applications for Impleadment)

AND

INTERLOCUTORY APPLICATION NO. 24, 28 & 30

(Applications for Exemption from filing O/T)

AND

INTERLOCUTORY APPLICATION NO. 26

(Applications for permission to file additional document)

AND

INTERLOCUTORY APPLICATION NO. 29

(Applications for Stay)

Wildlife Rescue and Rehabilitation Centre & Ors. Petitioners

Versus

Union of India & Ors. ... Respondents

OFFICE REPORT

The Writ Petition alongwith applications above-mentioned was listed before the Hon'ble Court on 27.04.2016 with Office Report dated 26.04.2016, when the Court was pleased to inter-alia pass the following Order:-

I.A. Nos. 25 of 2016 & 27 of 2016

“XXXX XXXX XXXX XXXX
XXXX XXXX XXXX XXXX

As this is a pure question of law with regard to exercise of power, we intend to take these applications in course of next week. Needless to say, the other interlocutory applications shall be adverted to in the second week of July, 2016.

Let these two interlocutory applications be listed on 4th May, 2016.”

Interlocutory Application No. 18

Pursuant to Order dated 8.12.2015, it is submitted that Show Cause Notice was issued to (i) State of Goa, through the Chief Secretary and (ii) Chief Wildlife Warden, Govt. of Goa and Amended Cause Title stands included in the Paper Books.

It is further submitted that Ms. Aparna Bhat, Advocate for the Petitioner has on 30.1.2016 filed Proof of Service after serving copies of I.A. Nos. 18 and 19 upon Standing Counsel for State of Goa.

It is next submitted that Ms. Pragya Bhagel, Advocate has on 10.02.2016 filed Vakalatnama/Appearance on behalf of R. NO. 21, (Chief Secretary, State of Goa) but no document has been filed on behalf of State of Goa so far.

Interlocutory Application No. 17

It is submitted that a certified copy of Order dated 08.12.2015 was sent to the Chief Wildlife Warden, State of Rajasthan for information, compliance and necessary action through Registered A.D. on 12.12.2015.

It is further submitted that Ms. Ruchi Kohli, Advocate has on 1.2.2016 filed Counter Affidavit on behalf of Respondent No. 17 (State of Rajasthan) and the same stands included in the Paper Books.

It is next submitted that Ms. Ruchi Kohli, Advocate has on 16.2.2016 filed Counter Affidavit with permission of Hon'ble Court on behalf of Respondent Nos. 17 and 18 respectively (State of Rajasthan & Chief Wildlife Warden, State of Rajasthan) and the same stands included in the Paper Books.

It is further submitted that Mr. Ajit Sharma, Advocate has on 11.4.2016 filed Reply Affidavit on behalf of Respondent No.2 (Animal Welfare Board of India) and the same stands included in the Paper Books.

It is further submitted that no document has been filed on behalf of Respondent No.1 (Ministry of Environment & Forests), Respondent No.9 (State of Kerala), Petitioner and other Respondents in I.A. No. 17 so far.

Interlocutory Application No. 20

It is submitted that Contempt Petition No. 833 of 2015 has been registered as I.A. No. 20 (Application for Direction) in pursuance of Order dated 8.12.2015.

It is further submitted that proof of service with regard to serving copy of application upon learned counsel for State of Kerala has not been filed by Mr. Ajit Sharma, Counsel for Applicant in I.A. No. 20.

It is next submitted that no Reply has been filed by State of Kerala so far.

Interlocutory Application No. 22

It is submitted that Ms. Aparna Bhat, Advocate on behalf of Petitioner has on 12.2.2016 filed Application for Direction which has been registered as I.A. No. 22 and the same stands included in the Paper Books.

Interlocutory Application Nos. 23 and 24

It is submitted that Mr. Gurudatta Ankolekar, Advocate on behalf of Applicant—Elephant Village Development Society has on 12.2.2016 filed Vakalatnama/appearance and Applications for Impleadment as Party Respondent and Exemption from filing Official Translation which have been registered as I.A. Nos. 23 and 24 and the same stands included in the Paper Books.

Interlocutory Application No. 26

It is submitted that Ms. Mukti Choudhary, Advocate for the Intervenor i.e. Elephant Owners Development Society has on 16.02.2016 filed an Application for permission to file additional document with the permission of the Hon'ble Court. The said Application has been registered as I.A. No. 26 of 2016 and stands included in the Paper Books.

Interlocutory Application No. 29

It is submitted that Mr. Ajit Sharma, Advocate on behalf of Respondent No.2 (Animal Welfare Board of India) has on 12.4.2016 filed Application for Stay which has been registered as I.A. No. 29 and the same stands included in the Paper Books.

Interlocutory Application Nos. 19 and 21

It is further submitted that Interlocutory Application Nos. 19 and 21 in Writ Petition above-mentioned were listed before the Hon'ble Court on 29.03.2016, when the Court was pleased to inter-alia pass the following Order:-

“I.A. No. 19 of 2015

xxx xxx xxx xxx xxx xxx

Mr. Arjun Bobde, learned counsel appearing for the State of Goa has filed a reply in this I.A. It is submitted by the learned counsel that the steps are being taken under the Prevention of Cruelties to Animal Act, 1960 and other relevant laws.

Mr. Vivek Rodrigues, learned counsel appearing for the Jangal Book had filed the counter affidavit. He is at liberty to file any objections to the report submitted by the Animal Welfare Board. The State of Goa shall file an affidavit indicating the details about the affirmative steps it has taken so that animals are not treated with cruelty.

Ms. Mahalakshmi Pavni, learned senior counsel appearing for the Tropical Spice Plantation shall file the counter affidavit within two weeks hence.

xxx xxx xxx xxx xxx xxx.”

I.A. No. 21 of 2015

“xxx xxx xxx xxx xxx xxx

Issue notice on the I.A.

As Mr. Jogy Scaria, learned counsel accepts notice on behalf of the State of Kerala, no further notice need be issued.

Mr. Jogy Scaria, learned counsel for the State shall file the reply within three weeks hence.

xxx xxx xxx xxx xxx xxx.”

Interlocutory Application No. 19

Mr. Gurudatta Ankolekar, Advocate has on 01.04.2016 filed Vakalatnama/Appearance and also on 18.04.2016 filed Affidavit alongwith Application for exemption from filing Official Translation on behalf of Mr. Rohidas B. Satarkar, Proprietor of M/s. Tropical Spice Plantation. The said Application has been registered as I.A. No. 30 of 2016 and the same stands included in the Paper Books.

It is next submitted that Mr. Ajit Sharma, Advocate has on 02.04.2016 filed Reply Affidavit alongwith Application for Exemption from filing Official Translation on behalf of Animal Welfare Board of India, Respondent No. 2. The said application has been registered as I.A. No. 28 and the same stands included in the Paper Books.

It is further submitted that Mr. Shivraj Gaonkar, Advocate has on 26.04.2016 filed Objections on behalf of impleaded Respondent No. 2, i.e. Jungle Book with the permission of the Hon'ble Court and the same stands included in the Paper Books.

It is next submitted that Mr. Jogy Scaria, Advocate has on 26.04.2016 filed Reply Affidavit on behalf of Respondent No. 9 (Chief Wildlife Warden, State of Kerala) with the permission of the Hon'ble Court but the same was found defective as some Pages of the Annexures are in dim impression. However, the same stands included in the Paper Books.

It is further submitted that Ms. Pragya Baghel, Advocate has on 30.4.2016 filed Affidavit on behalf of State of Goa and the same stands included in the Paper Books.

Interlocutory Application No. 21

Pursuant to Order dated 29.3.2016, it is submitted that Mr. Jogy Scaria, Advocate has on 26.04.2016 filed Reply Affidavit on behalf of Respondent No. 9 (Chief Wildlife Warden, State of Kerala) with the permission of the Hon'ble Court but the same was found defective as some Pages of the Annexures are in dim impression. However, same stands included in the Paper Books.

Interlocutory Application No. 31

It is submitted that Mr. Ajit Sharma, Advocate on behalf of Respondent No.2 (Animal Welfare Board of India) has on 26.04.2016 filed Application for Direction with the permission of the Hon'ble Court which has been registered as I.A. No. 31 and the same stands included in the Paper Books.

Interlocutory Application Nos. 25 and 27

The Interlocutory applications above-mentioned were listed before the Hon'ble Court on 04.05.2016 with Office Report dated 03.05.2016, when the Court was pleased to inter-alia pass the following Order:-

“xxxx xxxx xxxx xxxx
xxxx xxxx xxxx xxxx

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 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.”

Pursuant to above Order, it is submitted that certified copy of the above Order was sent to (i) The Chief Secretary, State of Kerala, (ii) Chief Wildlife Warden, State of Kerala and (iii) Animal Welfare Board of India on 06.05.2016 through Speed Post.

The Writ Petition alongwith applications above-mentioned is listed before the Hon'ble Court with this Office Report for orders.

Dated this the 12th day of July, 2016.

Sd/-
Assistant Registrar