

ITEM NO.5

COURT NO.4

SECTION PIL(W)

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

Writ Petition (Civil) No.743/2014

WILDLIFE RESCUE AND REHABILITATION  
CENTRE AND OTHERS

Petitioner(s)

VERSUS

UNION OF INDIA AND OTHERS

Respondent(s)

(With appln.(s) for directions, impleadment, exemption from filing O.T., permission to bring additional facts and documents on record, stay and office report)

Date : 27/04/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)

Ms. Aparna Bhat, AOR

For Respondent(s)

Mr. Ranjit Kumar, S.G.  
Mr. Rama Mukherji, Sr. Adv.  
Ms. Movita, Adv.  
Mr. G.S. Makkar, Adv.

Mr. Shivraj Gaonkar, AOR

Mr. Basava Prabhu S. Patil, Sr. Adv.  
Mr. Ankolekar Gurudatta, AOR  
Mr. Sanjeeb Panigrahi, Adv.  
Mr. Satya Siddiqui, Adv.  
Mr. Sarfaraz Siddiqui, Adv.  
Ms. Shreshta, Adv.

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

Mr. Vishnu Shankar Jain, Adv.  
Mr. Vikas Shukla, Adv.  
Ms. Mukti Chowdhary, AOR

Mr. Balaji Srinivasan, AOR

Mr. Gopal Singh, AOR  
Mr. Shivam Singh, Adv.  
Mr. Advitiya Awasthi, Adv.

Gp. Cpt. Karan Singh Bhati, Adv.  
Mr. Adarsh Kr. Tiwari, Adv.  
Ms. Ruchi Kohli, AOR

Mr. A. Raghunath, AOR

Mr. K. Venkataramani, Sr. Adv.  
Mr. B. Balaji, AOR  
Mr. Muthuvel Palani, Adv.

Mr. R. Basant, Sr. Adv.  
Mr. Jogya Scaria, AOR  
Ms. Beena Victor, Adv.

Mr. Sidharth Luthra, Sr. Adv.  
Ms. Supriya Juneja, AOR  
Mr. Viraj Gandhi, Adv.  
Ms. Mehaak Jaggi, Adv.

Mr. K. Parameshwar, AOR

Mr. Devendra Singh, AOR

Mr. C.A. Sundaram, Sr. Adv.  
Mr. Ajit Sharma, AOR  
Ms. Rohini Musa, Adv.

Mr. K. Rajeev, AOR

Mr. Sunil Fernandes, Adv.  
Mr. Puneeth K.G., Adv.

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

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

In these two interlocutory applications, the basic prayers are:-

"(a) to quash G.O. (Rt) No.84/2016/F&WLD dated 26.02.2016 issued by the Government of Kerala, respondent No.9 herein, as it is illegal and a

nullity in law;

(b) to cancel any ownership certificates issued under G.O.(Rt) No.84/2016/F&WLD dated 26.02.2016; and

(c) to direct the Chief Wildlife Warden, Kerala, respondent No.10 herein, to initiate appropriate proceedings under the Wildlife (Protection) Act 1972, against persons who are not in legal possession of captive elephants. These prayers are quoted from I.A. No.25 of 2016."

Apart from the aforesaid prayers, there are number of other prayers. For the present, we have reproduced the aforesaid prayers as a debate has taken place in respect of the said prayers only.

It is submitted by Ms. Aparna Bhat, learned counsel appearing for the applicant in I.A. No.25 of 2016, Mr. C.A. Sundaram, learned senior counsel for the Animal Welfare Board and Mr. Sidharth Luthra, learned senior counsel for the intervenor, Gauri Maulekhi, in I.A. No.27 of 2016, that the State Government could not have issued such a Notification in view of the provisions contained in Section 40 of the Wild Life (Protection) Act, 1972, as amended in the year 1986 and 2003.

*Per contra*, Mr. R. Basant, learned senior counsel appearing for the State of Kerala, would submit that the State in exercise of the power under sub-section (4) of

Section 40 of the Act, has issued the Notification. Similar submission has been put forth by Mr. V. Giri, learned senior counsel appearing for the Elephant Owners Association, which is a party to the main writ petition.

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 4<sup>th</sup> May, 2016.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master