

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

Signature Not Verified

Mr. Vishnu Shankar Jain, Adv.

Digitally signed by
GULSHAN KUMAR
ARORA

Date: 2016.04.27
16:42:14 IST

Reason:

Mr. Vikas Shukla, Adv.
Ms. Mukti Chowdhary, AOR

Mr. Balaji Srinivasan, AOR

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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. Jogy 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

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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
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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 4th May, 2016.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master