

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 22.09.2026
DELIVERED ON : 01.10.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.30528 of 2026

CNR:{HCMA011788702026}

and WMP Nos.42049

and 42178 of 2026



W.P.No.30528 of 2026:

Seva Trust
Represented by its Managing Trustee,
Anuradha Subramanian,
No.39, Sandeep Avenue 1st Main Street,
Chinna Neelankarai,
Chennai - 600 115.

Petitioner(s)

Vs

1. The Additional Chief Secretary to Government
Environment Climate Change and Forests
Department, Secretariat, Fort St. George,
Chennai - 600 009 and 4 Others

Respondent(s)

W.M.P.No.42049 of 2026

People For Cattle In India (PFCI)
Rep by its Founder, G.Arun Prasanna
No.8/22, Ragavaiah Road,
T.Nagar, Chennai - 600017.

Petitioner(s)

Vs

1. Seva Trust
Represented by its Managing Trustee,
Anuradha Subramanian,
No.39, Sandeep Avenue 1st Main Street,
Chinna Neelankarai, Chennai - 600 115
and 5 others

Respondent(s)

Prayer in W.M.P.No.42049 of 2026: Petition filed under Article 226 of the Constitution of India to implead the petitioner herein as a respondent in the W.P.No.30528 of 2026.

W.M.P.No.42178 of 2026:

Suparna Ganguly
302, Brigade Lavelle 1
7th Cross, Lavelle Road
Bangalore - 560001.

Petitioner(s)

Vs

1. Seva Trust
Represented by its Managing Trustee,
Anuradha Subramanian,
No.39, Sandeep Avenue 1st Main Street,
Chinna Neelankarai, Chennai - 600 115
and 5 others

Respondent(s)

Prayer in W.M.P.No.42178 of 2026: Petition filed under Article 226 of the Constitution of India to implead the petitioner herein as sixth respondent in the W.P.No.30528 of 2026.

For Petitioner(s)
in WP:30528/2026
and R1 in WMPs:42049
and 42178/2026

Mr.V.Raghavachari, Senior Counsel
and Mr.S.Prabakaran, Senior Counsel
for Mr.V.R.Shanmuganathan

For Respondent(s)

Mr. Mohammed Fayaz Ali,
Special Government Pleader (Forest)
and Mr.S.Seenivasan Govt Advocate,
for R1, R3 and R4 in WP:30528/2026

Mr. Mohammed Fayaz Ali,
Special Government Pleader (Forest)
for R2, R4 and R5 in WMPs:42049 and
42178/2026

Mr.R.Bharanidharan
Special Government Pleader
for (HR and CE)
for R2 and R5 in WP:30528/2026
and R3 and R6 in WMPs:42049 and
42178/2026

For Petitioner(s)
in WMP:42049/2026:

Mr.T.Mohan, Senior Counsel
for M/s.Aishwarya S.Nathan

For Petitioner(s)
in WMP:42178/2026:

Mr.Suhrit Parthasarathy
for M/s.Aishwarya Vaidialingam

COMMON ORDER

THE CHIEF JUSTICE

Elephants hold a significant place in the cultural, historical,
and religious traditions of the State, where they participate in

rituals and processions governed by ancient temple customs. However, the integration of captive animals into religious ceremonies cannot exist in a legal vacuum; scriptural traditions must strictly accord with constitutional values, statutory safeguards, and the fundamental duty enjoined upon the State and citizens under Article 51A(g) of the Constitution of India to show compassion to living creatures.

2. The custody, management, welfare and movement of captive elephants are governed by a comprehensive regulatory framework under the Wild Life (Protection) Act, 1972, read alongside the Tamil Nadu Captive Elephants (Management and Maintenance) Rules, 2011, and the Captive Elephant (Transfer or Transport) Rules, 2024. These statutory provisions mandate unyielding standards regarding veterinary care, shelter, transit restrictions, maximum continuous travel duration and explicit prohibitions against physical cruelty or hazardous exposure during public events.

3. The writ petition was instituted by Seva Trust seeking issuance of a writ of mandamus to direct the State authorities to formulate and notify a State-wide Standard Operating Procedure (SOP) governing the participation of elephants in religious functions and temple festivals, subject to animal welfare and safety standards, by considering its representation dated 29.07.2026.

4. The miscellaneous petitions, viz., W.M.P.No.42049 of 2026 filed by People for Cattle in India (PFCI) and W.M.P.No.42178 of 2026 filed by Suparna Ganguly, have been preferred seeking impleadment as party respondents in the main writ petition.

5. In W.M.P.No.42049 of 2026, the applicant (PFCI) not only seeks impleadment, but further prays for consequential directions to: (a) Refer the issue of inter-State transfer and transportation of five captive elephants (*Durga, Hiralal, Shiva, Rupsing, and Bijuli*) from the State of Assam to Tamil Nadu to the High-Powered Committee (HPC) constituted under the directions of the Hon'ble Supreme Court; and (b) Restrain respondents 3 to 5 from taking

any further steps to transport the said five elephants pending decision by the High-Powered Committee.

6. Similarly, in W.M.P.No.42178 of 2026, the applicant seeks impleadment and prays for a direction restraining the inter-State movement of elephants without production and verification of complete ownership records, microchip data, DNA entries on the *Gajah Suchana* app, and prior approval from the High-Powered Committee.

7. Having heard learned Senior Counsel for the writ petitioner, learned State Counsel and learned counsel for the proposed parties, this Court is of the considered opinion that both impleadment petitions are liable to be dismissed for the detailed reasons set forth herein below.

8. A perusal of the array of parties in the main writ petition reveals that all relevant statutory authorities of the State Government, viz., namely, the Additional Chief Secretary to Government (Environment, Climate Change & Forests Department),

the Principal Secretary to Government (HR & CE Department), the Principal Chief Conservator of Forests, the Chief Wildlife Warden, and the Commissioner of HR & CE, are already arrayed as official respondents.

9. The official respondents are the statutory custodians mandated under the Wildlife (Protection) Act, 1972, the Tamil Nadu Captive Elephants (Management and Maintenance) Rules, 2011, and the Captive Elephant (Transfer or Transport) Rules, 2024 to oversee, regulate, and monitor the welfare, transfer, and maintenance of captive elephants within the State.

10. The official respondents are the statutory custodians mandated under the Wildlife (Protection) Act, 1972, the Tamil Nadu Captive Elephants (Management and Maintenance) Rules, 2011, and the Captive Elephant (Transfer or Transport) Rules, 2024 to oversee, regulate, and monitor the welfare, transfer, and maintenance of captive elephants within the State. They are fully equipped with official administrative machinery, veterinary boards, and enforcement mechanisms. It is a well-settled principle of public

law that where public interest and statutory enforcement are fully represented by constitutional and statutory state functionaries, private entities or non-governmental organizations cannot claim an automatic right of impleadment under Order I Rule 10 of the Code of Civil Procedure, 1908. To permit every private organization to enlarge the array of parties in a general policy petition would impermissibly broaden the judicial inquiry and convert a focused regulatory mandamus into an unmanageable adversarial arena.

11. Under the well-established principles governing Order I Rule 10 of the Code of Civil Procedure, 1908, read with rules governing writ proceedings under Article 226 of the Constitution of India, a necessary party is one without whom no effective order can be made at all. A proper party is one whose presence is necessary to enable the Court to effectually and completely adjudicate upon and settle all questions involved in the suit/petition.

12. The scope of the main writ petition filed by Seva Trust is confined to the formulation of a policy/SOP for the regulated participation of temple elephants in religious ceremonies. Neither

PFCI nor Suparna Ganguly are necessary parties for deciding whether the State ought to frame an SOP or decide a statutory representation. Their presence is not required to enable this Court to pass an effective order in the main writ prayer.

13. In W.M.P.No.42049 of 2026, the proposed respondent (PFCI) has sought substantive, far-reaching interim directions in clauses (b) and (c) of its prayer, specifically seeking to stall and refer the inter-State transportation of five specific elephants to the High-Powered Committee.

14. It is a settled position of law that an impleading applicant cannot be permitted to expand, enlarge, or re-engineer the scope of the main writ proceedings by introducing independent prayers, fresh causes of action, or adverse reliefs against other parties under the guise of an impleadment application. The main writ petition filed by Seva Trust seeks a general writ of mandamus for an SOP. The impleadment petitioner cannot hijack or graft independent substantive reliefs into a writ petition instituted by another party. If the proposed parties have independent grievances concerning the

transportation of specific individual elephants or the applicability of Supreme Court directives, the appropriate legal remedy is to initiate independent proceedings in accordance with law, rather than seeking to graft those reliefs onto W.P.No.30528 of 2026.

15. It is further clarified that while this Court refrains from entertaining independent prayers regarding specific inter-State transfers in these impleading applications, all regulatory actions, transfers and transportation of captive elephants across or within the State remain strictly subject to the overarching directives and orders passed by the Hon'ble Supreme Court of India, including the parameters laid down for the High-Powered Committee (HPC). The directions issued herein to frame a Standard Operating Procedure (SOP) are purely supplementary to, and in strict harmony with, the orders of the Supreme Court and existing central statutory enactments.

16. To ensure complete harmonization between the Tamil Nadu Captive Elephants (Management and Maintenance) Rules, 2011, and the Captive Elephant (Transfer or Transport) Rules, 2024,

respondents 1 to 5 are directed to constitute a Joint Working Group comprising the Chief Wildlife Warden, the Commissioner of HR & CE, and expert veterinary officers. The said Working Group shall draft and submit a comprehensive, standardized State Operating Procedure (SOP) governing, *inter alia*:

(i) **Pre-Festival Health & Microchip Verification:**

Mandatory veterinary fitness certification, physical inspection, and verification of microchips/DNA profiles prior to granting permission for any festival participation;

(ii) **District Level Committee Approval:**

Mandatory registration and prior clearance from the respective District Level Committees (DLC);

(iii) **Transportation Protocols:** Strict regulation of maximum travel duration, compulsory rest intervals, veterinary transit support, and specialized transit vehicles;

(iv) **Safety & Environmental Thresholds:**

Prescribing mandatory decibel limits for

loudspeakers/firecrackers, maintaining safe physical buffer zones between elephants and crowds, and prohibiting the display of elephants in close proximity to pyrotechnics;

(v) **Handler & Mahout Standards:** Verification of qualified mahouts and strict prohibition of heavy tethering, spiked chains, or any form of physical cruelty.

17. Pending the finalization and formal notification of the Standard Operating Procedure (SOP), the official respondents shall ensure strict, unyielding compliance with the existing statutory provisions under the Wildlife (Protection) Act, 1972, and the rules framed thereunder. Any violation of animal welfare standards or unapproved transportation during the pendency of these proceedings shall be met with immediate statutory action by the Chief Wildlife Warden and the enforcement authorities.

18. In view of the foregoing findings:

(a) W.M.P.Nos.42049 and 42178 of 2026 are dismissed;

(b) Dismissal of the impleadment applications shall not preclude the applicants from availing independent statutory or judicial remedies in accordance with law before the appropriate forum regarding independent causes of action;

(c) The State Government and official respondents shall place the draft Standard Operating Procedure (SOP) on record within four (4) weeks from today.

List the writ petition on 30.10.2026 for submission of the draft SOP.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
01.10.2026

Index : Yes
Neutral Citation : Yes
sasi

To:

1. The Additional Chief Secretary to Government
Environment Climate change and Forests
Department, Secretariat, Fort St. George,
Chennai - 600 009.
2. The Principal Secretary to Government
hindu Religious and Charitable Endowments
Department, Secretariat, Fort St. George,
Chennai - 600 009.
3. The Principal Chief Conservator of Forests
Panagal building, Saidapet,
Chennai - 600 015.
4. The Chief Wildlife Warden
Pangal Building, Saidapet,
Chennai - 600 015.
5. The Commissioner
Hindu Religious and Charitable Endowments
Department, Nungambakkam High Road,
Chennai - 600 034.

W.P.No.30528 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

WP No.30528 of 2026

01.10.2026