

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

Friday, the 23<sup>rd</sup> day of February 2024 / 4th Phalguna, 1945  
WP(C) NO. 6054 OF 2024(F)

**PETITIONERS:**

1. MAHALAKSHMI TEMPLE CAR FESTIVAL COMMITTEE, PERINKULAM, ALATHUR, WEST VILLAGE, PALAKKAD PIN-678542, REPRESENTED BY ITS PRESIDENT ,AGED 55 YEARS.
2. THEKKE GRAMA FESTIVAL COMMITTEE, PERINKULAM, ALATHUR, WEST VILLAGE, PALAKKAD, REPRESENTED BY ITS TREASURER , PIN - 678542
3. PRESIDENT CAR FESTIVAL COMMITTEE, PERINKULAM, ALATHUR, WEST VILLAGE, PALAKKAD., PIN - 678542

**RESPONDENTS:**

1. PALAKKAD DISTRICT COMMITTEE (FESTIVAL MONITORING) REPRESENTED BY ITS CHAIRMAN, DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION, PALAKKAD., PIN - 678001
2. ASSISTANT CONSERVATOR, SOCIAL FORESTRY DIVISION OFFICE, ARANYABHAVAN COMPLEX, OLAVAKKODE, PALAKKAD., PIN - 678002
3. ADDITIONAL DISTRICT MAGISTRATE COLLECTORATE, CIVIL STATION, PALAKKAD., PIN - 678001
4. DISTRICT FOREST OFFICER OFFICE OF THE DFO, OLAVAKKODE, PALAKKAD., PIN - 678002

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an order directing the respondents to accord permission to the petitioners to deploy services of elephants/tuskers for pushing the chariots in the three Temples represented by the petitioners herein for the Annual Car Festival on 24th and 25 of February 2024, pending disposal of the writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.P.R.VENKATESH, ASHA P.KURIAKOSE & LAKSHMI MEENAKSHI P.R., Advocates for the petitioners, the court passed the following:


DEVAN RAMACHANDRAN, J.

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WP (C) No.6054 of 2024  
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Dated this the 23rd day of February, 2024

**ORDER**

I notice that, last year, when a similar plea, as sought for in this writ petition, was impelled in another writ petition, Ext.P6 order was issued. The said order reads as follows:

The seal of the High Court of Kerala is circular, featuring the state emblem of Kerala in the center. The text "THE HIGH COURT OF KERALA" is written around the perimeter of the seal, and the Malayalam motto "കേരളം ശ്രീമാനം" is at the bottom.

*"This writ petition is filed basically challenging Ext.P4 order passed by the Assistant Forest Conservator, Social Forestry Division, Palakkad dated 09.02.2023, whereby the request made by the petitioners for parading elephants in the Radholsavam is declined; and for a further direction to permit the petitioners to deploy service of elephants/tuskers for pushing the chariots in the three temples represented by the petitioners herein for the Annual Car Festival on 7 th and 8 th of March, 2023.*

2. Learned counsel for the petitioners submitted that the pushing of

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*the chariots in the three temples takes place in between 5 p.m. to 9 p.m. on the aforesaid dates. The learned counsel for the petitioners also submitted that the chariot is actually pulled by about 100 worshipers, and the elephants are used only for pushing the chariot in order to negotiate curves easily.*

*3. On a query, I am informed by the learned Special Government Pleader for the Forest that, due to COVID-19 pandemic the festival did not takes place during the last two years. However, pushing of the chariot by elephants was being continued for the past several decades. A detailed statement is also filed justifying the stand adopted by the Authority in Ext.P4. It is also stated in the statement that in the application submitted by the petitioner the requirement of pushing the chariots was not requested and also invited my attention to the application submitted by the petitioner.*

*4. Since, the festival was being conducted for centuries and the exercise of pushing the chariot during the festival was being followed as a custom, I think it is only appropriate that permission is*

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*granted to use three elephants for pushing the chariot on the time and date prescribed above. Accordingly, I do so. However I make it clear that it is for the Forest Officials or the concerned Authorities to ensure that in all respects the directives of the Apex Court and the rules in that regard are followed. The 1st respondent is directed to file a statement after the festival is over.*

*Post on 15.03.2023."*

2. I also notice that the aforesaid writ petition was finally disposed of through Ext.P7 judgment, recording that the festival was over.

3. The learned Government Pleader raised certain objections that the elephants cannot be allowed to push the Chariots. But, I notice that, in Ext.P6, an identical contention was considered and permission granted last year.

4. Since the learned counsel for the petitioner says that this is a ritual that has been going on for several centuries past; and that the elephants will be used only for the purpose of

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pushing the Chariots, if required, to negotiate curves and no other - with it being otherwise pulled by more than 100 devotees - I am of the that centuries old tradition must be allowed to continue, however, ensuring all necessary safeguards. This is more so because, the petitioners have also filed an affidavit affirming the afore and conceding to the imposition of any safeguards as may be apposite.

5. Resultantly, as an interim measure, I direct the Forest Officials to grant permission as sought for by the petitioner; however, subject to every other imperative and statutory condition being imposed and ensured to be complied with - including that the animals are not subjected to any cruelty or excessive fatigue; that they are used only to push the Chariots to negotiate curves, if required; and without the entire weight of it being shifted to them in any manner and at any point in time. Adscititiously, the Authorities



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will also take necessary care that the elephants are not tortured with any weapon - be that stick and such other; and this shall be ensured.

6. The Officials of the Forest Department will oversee the festival at the time when the elephants are so used and will continuously monitor it, so as to ensure that no untoward incidents happens, particularly from the angle of the safety of the devotees who flock during the festival. A report in this regard shall be filed by the next posting date.

List on 27.02.2024.



Sd/-

DEVAN RAMACHANDRAN

JUDGE

H/o  
akv

**APPENDIX OF WP(C) 6054/2024**

**Exhibit P6**

**TRUE COPY OF INTERIM ORDER ON 2.3.2023 IN W.P.(C) NO. 6289/2023 OF THIS HON'BLE COURT**

**Exhibit P7**

**TRUE COPY OF THE JUDGMENT DATED 15.3.2023 IN W.P.(C) NO. 6289/2023 OF THIS HON'BLE COURT**

