

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE ACTING CHIEF JUSTICE MR.S.V.N.BHATTI
&
THE HONOURABLE MR.JUSTICE BASANT BALAJI

Friday, the 26th day of May 2023 / 5th Jyaishta, 1945
WP(C) NO. 16530 OF 2023(S)

PETITIONER:

SOCIETY FOR ELEPHANT WELFARE, REPRESENTED BY ITS
MANAGING TRUSTEE, SMT.CHITRA IYER, AKSHAYA,
VENGATTOMPALLY, THAZHAHA, KARUNAGAPPALLY, KOLLAM- 690 523.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS PRINCIPAL SECRETARY,
SECRETARIAT, DEPARTMENT OF FORESTS AND WILDLIFE, THIRUVANANTHAPURAM-
695 001.
2. CHIEF WILDLIFE WARDEN, FOREST HEADQUARTERS, VAZHUTHACUAD,
THIRUVANANTHAPURAM- 695 014.
3. TRAVANCORE DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY, DEVASWOM
BOARD HEADQUARTERS, NANTHANCOD, KAWDIAR. P.O., THIRUVANANTHAPURAM-
695 003.
4. COCHIN DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY, SWARAJ ROUND,
ROUND NORTH, THRISSUR- 680 001.
5. MALABAR DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY, HOUSEFED
COMPLEX, ERANHIPPALAM P.O., KOZHIKODE – 673 006.
6. GURUVAYOOR DEVASWOM BOARD, SREEADMAM, GURUVAYOOR DEVASWOM
ADMINISTRATIVE OFFICE, REPRESENTED BY ITS ADMINISTRATOR, GURUVAYUR-
680 101.

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 interim order directing the respondents to take immediate measures so as to restrain the use of captive elephants for festivals wherein there are no tanks for bathing or where bathing is done using hose and other methods, pending the disposal of the above 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.B.SAHASRANAMAN, T.S.HARIKUMAR & SANAND RAMAKRISHNAN, Advocates for the petitioner, GOVERNMENT PLEADER for R1 & R2, SRI.G. BIJU, STANDING COUNSEL for R3, SRI.K.P. SUDHEER, STANDING COUNSEL for R4, SRI.R. LAKSHMI NARAYAN, STANDING COUNSEL for R5 and of SRI.VIPINDAS, STANDING COUNSEL for R6, the court passed the following:

P.T.O.

**S.V.N. BHATTI, ACTING C.J
&
BASANT BALAJI. J.**

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W.P.(C) No.16530/2023

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Dated: 26th May 2023

ORDER

S.V.N. BHATTI, ACTING C.J

Notice before admission. Government Pleader takes notice for respondents 1 and 2. Adv. G. Biju takes notice for 3rd respondent. Adv. K.P. Sudheer takes notice for 4th respondent. Adv. R. Lakshmi Narayan takes notice for the 5th respondent. Adv. Vipindas takes notice for 6th respondent.

2. The counsel appearing for the 5th respondent seeks time to file statement.

3. While ordering notice, we direct the Government to place on record a mechanism supported by a statutory scheme for the practical and convenient deployment of elephants

during the festive season, in other words, providing a calendar for each elephant to be used by the temple or organization so that the elephants get the required rest and recuperation between one festivity and another. The larger question on whether the continuous use of elephants for about seven months amounts to cruelty to the elephant or not will also be considered in this Public Interest litigation.

Handover copy to Government Pleader.



Sd/-

S.V.N. BHATTI
ACTING CHIEF JUSTICE

Sd/-

BASANT BALAJI
JUDGE

JS