

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR. JUSTICE GOPINATH P.

Thursday, the 23rd day of March 2023 / 2nd Chaithra, 1945
WP(C) NO. 13204 OF 2021(S)

IN RE: BRUNO (SUO MOTU) PUBLIC INTEREST LITIGATION
PROCEEDINGS INITIATED BY THE HIGH COURT IN THE MATTER OF
EXECUTIVE AND LEGISLATIVE INACTION OF THE STATE GOVERNMENT
IN THE MATTER OF PROTECTION OF ANIMAL RIGHTS.

[RE-NAMED AS ABOVE AS PER ORDER DATED 02/07/2021 IN WP(C)]

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY THE SECRETARY,
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND DAIRYING
(DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING),
GOVERNMENT OF INDIA, KRISHI BHAVAN, NEW DELHI, PIN-110 001.
2. THE ANIMAL WELFARE BOARD OF INDIA,
REPRESENTED BY ITS CHAIRMAN, NATIONAL INSTITUTE OF
ANIMAL WELFARE CAMPUS P.O., 42K STONE, DELHI-AGRA HIGHWAY,
NH-2, VILLAGE-SEEKRI, HARYANA, PIN-121 004.
3. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
THIRUVANANTHAPURAM, PIN-695 036.
4. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
ANIMAL HUSBANDRY DEPARTMENT, THIRUVANANTHAPURAM, PIN-695 036.
5. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM, PIN-695 036.
6. THE KERALA STATE ANIMAL WELFARE BOARD,
THIRUVANANTHAPURAM-695 036.
7. THE KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY,
POOKODE, LAKKIDI P.O., WAYANAD, PIN-673 576.

8.STATE POLICE CHIEF, KERALA, THIRUVANANTHAPURAM, PIN-695 010.

ADDL. R9 IMPEADED

9.SRUTHY N.BHAT, ADVOCATE, HIGH COURT OF KERALA, AGED 27 YEARS,
D/O.O.H. NANDAKUMAR BHAT, SANSKRITHI GARDEN, PERANDOOR ROAD,
KALOOR NORTH, KOCHI-682 026.

IS IMPEADED AS ADDL. R9 AS PER ORDER DATED 14/07/2021
IN IA.1/2021 IN WPC.

ADDL. R10 IMPEADED

10.DAYA ANIMAL WELFARE ORGANISATION (DAYA),
HAVING REGISTERED NUMBER E.R.737/01 WITH ITS REGISTERED
OFFICE AT XXII/459/A, PRAKASH ROAD, VELLOORKUNNAM,
MUVATTUPUZHA, ERNAKULAM-686 673, KERALA,
REPRESENTED BY ITS CO-ORDINATOR AMBILI B.

IS IMPEADED AS ADDL. R10 AS PER ORDER DATED 14/07/2021 IN
IA.2/2021 IN WPC.

ADDL. R11 IMPEADED

11.ANGELS NAIR, GEN. SECRETARY,
ANIMAL LEGAL FORCE INTEGRATION, AGED 54 YEARS,
KAPPILLIL HOUSE, PULLUVAZHY P.O., PERUMBAVOOR,
ERNAKULAM DIST. PIN-683 541.

IS IMPEADED AS ADDL. R11 AS PER ORDER DATED 14/07/2021
IN IA.5/2021 IN WPC.

ADDL. R12 IMPEADED

12.M.N. JAYACHANDRAN, AGED 63 YEARS, S/O.K. NARAYANAN NAIR,
RESIDING AT MUNDAMATTOM HOUSE, THODUPUZHA P.O.,
IDUKKI-685 584.

IS IMPEADED AS ADDL. R12 PER ORDER DATED 19/07/2021
IN IA.3/2021 IN WPC.

ADDL. R13 IMPEADED

13. P. SARAGANDHARAN, THUMBIL, EZHUPUNNA SOUTH P.O., CHERTHALA.
IS IMPEADED AS ADDL. R13 AS PER ORDER DATED 19/07/2021
IN IA.7/2021 IN WPC.



ADDL. R14 IMPEADED

14.THE THRIKKAKARA MUNICIPALITY, REPRESENTED BY ITS SECRETARY.
IS SUO MOTU IMPEADED AS ADDL. R14 AS PER ORDER
DATED 23/07/2021 IN WPC.

ADDL. R15 IMPEADED

15.THE STATE KUDUMBASREE MISSION,
REPRESENTED BY THE EXECUTIVE DIRECTOR.
IS SUO MOTU IMPEADED AS ADDL. R15 AS PER ORDER
DATED 02/08/2021 IN WPC.

ADDL. R16 IMPEADED

16.DHYAN FOUNDATION, A REGISTERED CHARITABLE TRUST,
REPRESENTED BY ITS TRUSTEE, DR.PRASAN PRABHAKAR,
AGED 48 YEARS, S/O.DR.M.C. PRABHAKAR,
RESIDING AT LAXMI PRASAD, PANAYAPILLY, KOCHI-682 005.
IS IMPEADED AS ADDL. R16 AS PER ORDER DATED 06/08/2021
IN IA.8/2021.

ADDL. R17 IMPEADED

17.ANIMAL RESCUE REHABILITATION & OVERALL WELLNESS (ARROW),
214/IX KADAMANNIL, KUMBAZHA NORTH, MYLAPRA P.O.,
PATHANAMTHITTA-689 671, REPRESENTED BY ITS MANAGING TRUSTEE.
IS IMPEADED AS ADDL. R17 AS PER ORDER DATED 09/08/2021
IN IA.11/2021.

ADDL. R18 IMPEADED

18.PEOPLE FOR ANIMALS (PFA), REPRESENTED BY ITS SECRETARY,
KARTHIKA, ANAYARA, THIRUVANANTHAPURAM-695 029.
IS IMPEADED AS ADDL. R18 AS PER ORDER DATED 09/08/2021
IN IA.10/2021.

ADDL. R19 IMPEADED

19.PEOPLE FOR ANIMAL WELFARE SERVICE (PAWS)-
THRISSUR CHARITABLE TRUST, RAJ VIHAR, POOTHOLE P.O,
THRISSUR-680 004, REPRESENTED BY ITS SECRETARY.
IS IMPEADED AS ADDL. R19 AS PER ORDER DATED 09/08/2021
IN IA.12/2021.



ADDL. R20 TO R25 IMPEADED

20.MUNICIPAL CORPORATION, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.

21.MUNICIPAL CORPORATION, KOLLAM, REPRESENTED BY ITS SECRETARY.

22.MUNICIPAL CORPORATION, THRISSUR,
REPRESENTED BY ITS SECRETARY.

23.MUNICIPAL CORPORATION, KOCHI, REPRESENTED BY ITS SECRETARY.

24.MUNICIPAL CORPORATION, KOZHIKODE,
REPRESENTED BY ITS SECRETARY.

25.MUNICIPAL CORPORATION, KANNUR, REPRESENTED BY ITS SECRETARY.
ARE SUO MOTU IMPEADED AS ADDL. R20 TO R25 AS PER ORDER DATED
09/08/2021 IN WPC.13204/2021.

ADDL. R26 IMPEADED

26.MADRAS ANIMAL RESCUE SOCIETY 4/339, SANGARAPURAM,
FIRST STREET, PALAVAKKAM, CHENNAI - 600041,
REPRESENTED BY ITS SECRETARY AND TRUSTEE,
VIVEK K. VISWANATH S/O K.V. ACHUTHAN, AGED 29 YEARS,
HAVING PERMANENT ADDRESS AT KARUNELLIPARAMBIL HOUSE,
KAIPARAMBU P.O., THRISSUR - 680546 AND NOW RESIDING AT
GODAVARI HOSTEL, IIT MADRAS, CHENNAI -600036.
IS IMPEADED AS ADDL R26 AS PER ORDER DATED 10.09.2021 IN
IA 13/21 IN WP(C) 13204/2021.

ADDL. R27 IMPEADED

27.SMT.RANJINI HARIDAS, AGED 39 YEARS, D/O.HARIDAS,
'HARISREE', PONNETH SOUTH TEMPLE ROAD,
CHILAVANNOR-682 020, TRUSTEE, HUMANITY FOR ANIMALS,
REG. NO.E 323/2015, ERNAKULAM.
ADDL. R27 IS IMPEADED AS PER ORDER DATED 08/10/2021
IN IA.18/2021 IN WPC.

ADDL. R28 IMPEADED

28.GAURI MAULEKHI, AGED 44 YEARS, W/O.DUSHYANT MAULEKHI,
RESIDING AT 40/153, CR PARK, NEW DELHI-110 019.
ADDL. R28 IS IMPEADED AS PER ORDER DATED 08/10/2021 IN

IA.22/2021 IN WPC.

ADDL. R29 IMPEADED

29.SANGITA IYER, AGED 59 YEARS, D/O.MR.K. ANANTHARAMAN,
PERMANENTLY RESIDING IN TORONTO ,CANADA, PRESIDENT,
VOICE FOR ASIAN ELEPHANTS SOCIETY, TORONTO, CANADA,
REPRESENTED BY HER POWER OF ATTORNEY SATISH MURTHI,
2ND FLOOR, BETA PLAZA, DR.KRISHNASWAMY ROAD,
COCHIN-682 035.

IS IMPEADED AS ADDL. R29 AS PER ORDER DATED 29/10/2021
IN IA.24/2021 IN WPC.

ADDL. R30 IMPEADED

30.DR.ZAHIRA. B., AGED 51 YEARS, W/O.DR.MANZOOR AHAMMED,
CHUNGASSERI MANZIL, PADA NORTH, KARUNAGAPPALLY P.O.,
KOLLAM-690 518.

IS IMPEADED AS ADDL. R30 AS PER ORDER DATED 12/11/2021 IN
IA.28/2021 IN WPC.

ADDL. R31 IMPEADED

31.SANTHOSH. T.S., AGED 46 YEARS, S/O.T.V. SASIDHARAN,
RESIDING AT THIRUNILATHU HOUSE, NETTOOR P.O.,
MARADU, ERNAKULAM-682 040.

IS IMPEADED AS ADDL. R31 AS PER ORDER DATED 30/11/2021 IN
IA.26/2021 IN WPC.

ADDL. R32 IMPEADED

32.UNION OF INDIA, REPRESENTED BY THE MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE (FOREST AND WILD LIFE DIVISION,
PROJECT ELEPHANT), NEW DELHI-110 003.

IS SUO MOTU IMPEADED AS ADDL. R32 AS PER ORDER
DATED 10/12/2021 IN WPC.

ADDL. R33 IMPEADED

33.PRADEEP P.D., AGED 33 YEARS, S/O.DIVAKARAN,
PUTHUVAL NIKARTH, PALLIPURAM P.O.,
CHERTHALA, 688 541, ALAPPUZHA.

IS IMPEADED AS ADDL. R33 PER ORDER DATED 28/02/2022



IN IA.1/2022 IN WPC.

ADDL. R34 IMPEADED

34. AKSHAY V. PRABHU, S/O. VEDANGA G. PRABHU, AKSHAYA HOSPITAL,
KADAVANTHRA, KOCHI, KERALA-682 020.

IS IMPEADED AS ADDL. R34 PER ORDER DATED 24/06/2022
IN IA.4/2022 IN WPC.

ADDL. R35 IMPEADED

35. KOLLAM DISTRICT PANCHAYATH, KOLLAM DISTRICT, PIN-691 001,
REPRESENTED BY ITS SECRETARY.

IS IMPEADED AS ADDL. R35 VIDE ORDER DATED 23/09/2022
IN IA.7/2022 IN WPC NO.13204/2021 (S).

ADDL. R36 IMPEADED

36. EDRAAC (ERNAKULAM DISTRICT RESIDENTS'
ASSOCIATION'S APEX COUNCIL), REG. NO.ER/735/03,
CORPORATION SHOPPING COMPLEX, SUBHASH CHANDRA BOSE
ROAD JUNCTION, PONNURUNNI, VYTTILA,
COCHIN-19, PIN-682 019.

IS IMPEADED AS ADDL. R36 VIDE ORDER DATED 23/09/2022 IN
IA.8/2022 IN WPC NO.13204/2021 (S).

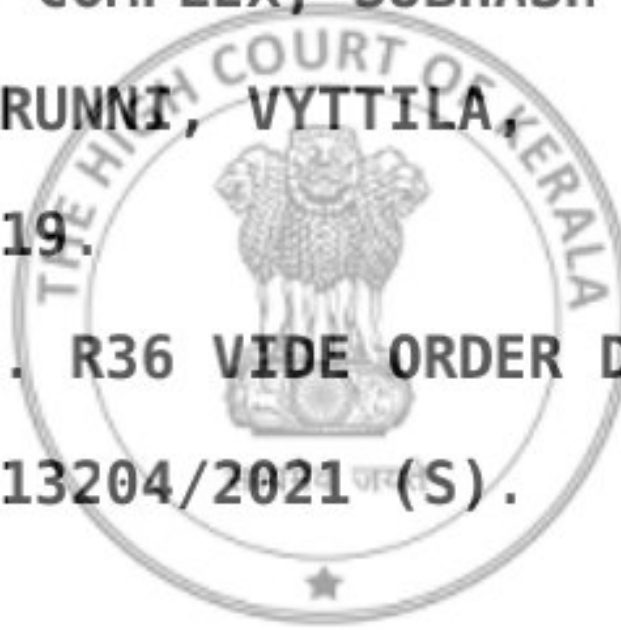
ADDL. R37 IMPEADED

37. THE PUNALUR MUNICIPALITY, REPRESENTED BY ITS SECRETARY.
IS SUO MOTU IMPEADED AS ADDL. R37 AS PER ORDER
DATED 30/09/2022 IN IA.9/2022 IN WPC.

ADDL. 38 IMPEADED

38. M/S. SREDHA MOBILE ARTIFICIAL INSEMINATION AND
VETERINARY SERVICES, REP. BY ITS MANAGING PARTNER
PRIYA PRAKASHAN, D/O. PRAKASHAN, NEERIKODE P.O.,
ALANGAD, ERNAKULAM-683 511.

ADDL. R38 IS IMPEADED AS PER ORDER DATED 25/11/2022
IN IA.18/2022 IN WPC.



ADDL.39 & 40 IMPEADED

**39. SRI. RADHAKRISHNAN, PANANCHERRY HOUSE, PAYYAPPILLY MOOLA,
PUTHUR, THRISSUR-680 014**

**40. SRI. GANESAN, S/O.SRI. RADHAKRISHNAN, PANANCHERRY HOUSE,
PAYYAPPILLY MOOLA, PUTHUR, THRISSUR-680 014**

**ADDL.39 & 40 ARE IMPEADED SUO MOTU AS PER ORDER DATED 09/03/2023
IN WP(C) 13204/2021(S).**

P.T.0



This Suo Motu writ petition again coming on for orders upon perusing the petition and this Court's order dated 9.3.2023 and upon hearing the arguments of DEPUTY SOLICITOR GENERAL OF INDIA & SRI.JAISHANKAR V.NAIR, CENTRAL GOVERNMENT COUNSEL for R1, SMT.M.U.VIJAYALAKSHMI, STANDING COUNSEL for R2, SRI.ASOK M.CHERIAN, ADDITIONAL ADVOCATE GENERAL for R3 to R6, SMT.AYSHA YOUSEFF & SRI.MANU GOVIND, Advocates for R7, SRI.SHAJI.T.A., DIRECTOR GENERAL OF PROSECUTION & P.NARAYANAN, ADDL.PUBLIC PROSECUTOR for R8, Advocate SMT.SRUTHY N.BHAT (PARTY IN PERSON) as Addl.R9, M/S.ADITHYA RAJEEV & NIHARIKA HEMA RAJ, Advocates for R10, SRI.ANGELS NAIR PARTY IN PERSON AS Addl.R11, M/S.GANGA A.SANKAR, REJIVUE, THANUJA ROSHAN, CHACKOCHEN VITHAYATHIL, VISHNU RAJAGOPAL, VISWAJITH.C.K. & GISHA G.RAJ, M.R.HARIRAJ Advocates for Addl.R12, M/S. B.S.SWATHI KUMAR, ANITHA RAVINDRAN & HARISANKAR N UNNI, Advocates for Addl. R13, SRI.S. JAMAL, Advocate for Addl. R14, M/S. K.V.PRAKASH, D.G. VIPIN, KAROL MATHEWS SEBASTIAN ALANCHERRY, Advocates for Addl.R15, M/S.ASWIN GOPAKUMAR, KANDAMPULLY VIKRAM & NIKITHA SUSAN PAULSON for Addl. R16, M/S.KRISHNA PRASAD. S, SINDHU S.KAMATH & ROHINI NAIR, Advocates for Addl.R17, M/S.PRASANTH S.R. & BHANU THILAK, Advocates for Addl.R18, SRI.BRIJESH MOHAN, Advocate for Addl.R19, SRI. NANDAKUMARA MENON SENIOR ADVOCATE ALONG WITH SRI.P.K.MANOJ KUMAR ADVOCATE FOR Addl.R20, SRI.M.K.CHANDRAMOHAN DAS & SRI.S. SREEKUMAR ADVOCATE FOR Addl.R21, SRI.SANTHOSH.P.PODUVAL ADVOCATE FOR Addl.R22, SRI.K.JANARDHANA SHENOY, SC for Addl.R23 and of SRI.V.KRISHNA MENON ADVOCATE FOR ADDL.R.24, SMT.MEENA JOHN ADVOCATE FOR ADDL R.25, M/S. S.R.K. PRATHAP, JISSMON A.KURIAKOSE, Advocates for R26, SMT.RANJINI HARIDAS (PARTY IN-PERSON) for Addl. R27, M/S. P.R. VENKATESH & KEERTHIVAS. G., Advocates for Addl. R28, M/S.UMA DEVI. M., Advocate for Addl.R29, M/S. RAJESH VIJAYAN & SIKHA S.NAIR, Advocates for Addl. R30, M/S. C.A. MAJEED, K.H. ASIF, MOLTY MAJEED, P.B. UNNIKRISHNAN NAIR & MATHEW VARGHESE, Advocates for Addl. R31, SRI.JAISHANKAR V.NAIR, CENTRAL GOVERNMENT COUNSEL for Addl. R32, M/S.ADITYA THEJUS KRISHNAN & FERHA AZEEZ, Advocates for Addl.R33, M/S.BHANU THILAK & S.R.PRASANTH, Advocates for Addl. R34, SRI.MANOJ RAMASWAMY, Advocate for Addl. R35 & R37 SMT.SREEJA SOHAN, SRI.ATUL SOHAN Advocates for Addl. R36, SRI.ANIL SIVARAMAN, Advocate for Addl. R38, SRI.G.SREEKUMAR (CHELUR), for Addl.R39 & R40 and of SRI.NAGARAJ NARAYANAN, SPECIAL GOVERNMENT PLEADER & SRI.S.RAMESH BABU (SENIOR ADVOCATE) & SRI.T.C.SURESH MENON, AMICI CURIAE, the Court passed the following:

P.T.0

**A.K.JAYASANKARAN NAMBIAR, J.
&
GOPINATH P., J.**

W.P.(C).NO.13204 OF 2021

Dated this the 23rd day of March, 2023

ORDER

A.K. Jayasankaran Nambiar, J.

This special sitting was convened at the instance of the 18th respondent, who brought up the case of a wild elephant going by the name of 'Arikomban' which is stated to be foraging in the Chinnakanal area. The grievance projected in the affidavit filed on behalf of the 18th respondent is essentially that pursuant to complaints received from persons in the locality, the officials of the Forest and Wildlife Department of the State are attempting to locate, tranquilize and capture the said elephant which is stated to be causing damage to property in human settlements. The affidavit states that the capturing of the elephant, with a view to taming it and converting it into a kumki elephant, would be against the interests of the animal concerned and hence, should be resorted to only if all other methods for diverting the animal from the settlement fails.

2. During the course of the hearing convened through video conferencing, we interacted with Sri.Arun R.S, the Chief Conservator of

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Forests, High Range Circle, who explained to us that the order of the Chief Wild Life Warden authorising the tranquilization and capture of the animal was passed as early as on 21.2.2023 [produced as Ext.R18(a) along with the affidavit of the 18th respondent] and effective steps to capture the elephant could not be taken till date. It is under those circumstances that a decision was taken to hold a mock drill in the next couple of days, followed by an actual attempt at capturing the animal on 26.3.2023. The special sitting convened today was on account of the urgency projected by the 18th respondent taking note of the fact that this bench cannot be convened during the next couple of days owing to one of us [Gopinath P., J.] being indisposed till 28.3.2023.

3. After assessing the situation and considering the submissions made by Sri.T.C.Suresh Menon, the learned *Amicus Curiae*, Sri.S.Ramesh Babu, the learned senior counsel and also after hearing the submissions of Adv.Smt.Bhanu Thilak and Sri.Nagaraj Narayanan, the learned Special Government Pleader, we are of the view that the interests of justice would require us to direct the Forest and Wildlife Department to refrain from an actual capture of the animal till 29.3.2023, on which date we will reconvene to consider the best possible measure that can be taken to quell the situation, by balancing the interests of the human settlers and the animal concerned. We are persuaded to do so because we are told that the elephant in question has not thus far caused any harm to human

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life in the area. We make it clear however, that while the Forest and Wildlife Department shall refrain from an actual capture of the animal till the next date of posting, all attempts towards tracking the animal, with the idea of containing it and preventing it from damaging the properties of the human settlers in the area, shall be taken by the Forest and Wildlife Department using the personnel and machinery at their disposal, as also by deploying additional forces available with the State Government, should the need arise.

Post on 29.3.2023 at 1.45 p.m. in the Chambers.



Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
GOPINATH P.
JUDGE

prp/23/3/23

APPENDIX OF WP(C) 13204/2021

Exhibit.R18(a)

**True copy of the order dated 21-02-2023 of Principal
Chief Forest Conservator and Chief Wildlife warden**



23-03-2023

/True Copy/

Assistant Registrar