

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 743 OF 2014
(Under Article 32 of the Constitution of India)

WITH

INTERCOUTORY APPLICATION NOS. 17, 19, 20, 21,
22, 25, 27 & 31

(Application for Directions)

AND

INTERCOUTORY APPLICATION NO. 23

(Applications for Impleadment)

AND

INTERCOUTORY APPLICATION NO. 24, 28 & 30

(Applications for Exemption from filing O/T)

AND

INTERCOUTORY APPLICATION NO. 26

(Applications for permission to file additional document)

AND

INTERCOUTORY APPLICATION NO. 29

(Applications for Stay)

Wildlife Rescue and Rehabilitation Centre & Ors. Petitioners

Versus

Union of India & Ors. ... Respondents

OFFICE REPORT

It is submitted that W.P. (C) No. 743 of 2014 alongwith applications above-mentioned except I.A. Nos. 22-31 was listed before the Hon'ble Court on 08.12.2015 with Office Report dated 07.12.2015, when the Court was pleased to inter-alia pass the following Order:-

"I.A. No. 18 of 2015

This is an application for impleadment of State of Goa. Prayer stands allowed.

Notice of the writ petition be issued to the State of Goa. Additionally, learned counsel for the petitioner is at liberty to serve a copy of the petition on the standing counsel for the State of Goa.

Let the cause title be rectified accordingly.

xxx xxx xxx xxx xxx xxx."

I.A. No. 17 of 2015

"xxxx xxxx xxxx xxxx xxxx xxxx xxxx

Issue notice to the State of Rajasthan and the Chief Wild Life Warden, Government of Rajasthan (Respondent nos. 17 and 18 respectively)

Mr. Bhati, learned counsel, who has already entered appearance on behalf of respondent nos.17 and 18, accepts notice. A copy of this application be served on him within three days. He undertakes to file the reply within four weeks hence.

Mr. Ranjit Kumar, learned Solicitor General shall also file an affidavit of the competent authority of the ministry of Environment and Forests, Government of India in this regard, as the said authority has a role to play in the animal welfare.

Mr. Ajit Sharma, learned counsel appearing for the Animal Welfare Board of India shall also file the reply within four weeks hence.

At this juncture, we may direct that the Chief Wild Life Warden, Government of Rajasthan shall see to it that all steps, as provided under the law, are taken so that the elephants are really not treated with cruelty which eventually may amount to torture.

As far as the State of Kerala is concerned, a copy be served on Mr. Jogya Scaria, learned counsel assisting Mr. Basant, learned senior counsel appearing for the State of Kerala. As far as the State of Kerala is concerned, a report has been submitted by the Principal Chief Conservator of Forests.

Learned counsel for the petitioner is at liberty to file an objection to the same. Similarly, liberty is granted to other respondents to file their response.

The State of Kerala is at liberty to file additional affidavit within four weeks.

Contempt Petition No.833 of 2015

Mr. Ajit Sharma, learned counsel appearing for the Animal Welfare Board of India, submitted that his contempt petition may be treated as an interlocutory application in the writ petition.

Prayer stands allowed.

Registry is directed to number the same as an interlocutory application.

A copy of the application be served on Mr. Jogya Scaria, learned counsel for the State of Kerala.

It is submitted by Mr. Ajit Sharma, learned counsel that out of 599 elephants, 289 elephants are there without any kind of ownership certificate. The State, while filing its reply to the said interlocutory application, shall specifically deal with it.

I.A. Nos.4-5 of 2015

These are applications for intervention.
Prayer stands allowed.

XXXX XXXX XXXX XXXX XXXX XXXX XXXX.”

Interlocutory Application No. 18

Pursuant to above Order, it is submitted that Show Cause Notice was issued to (i) State of Goa, through the Chief Secretary and (ii) Chief Wildlife Warden, Govt. of Goa and Amended Cause Title stands included in the Paper Books.

It is further submitted that Ms. Aparna Bhat, Advocate for the Petitioner has on 30.1.2016 filed Proof of Service after serving copies of I.A. Nos. 18 and 19 upon Standing Counsel for State of Goa.

It is next submitted that Ms. Pragya Bhagel, Advocate has on 10.02.2016 filed Vakalatnam/Appearance on behalf of R. NO. 21, (Chief Secretary, State of Goa) but no document has been filed on behalf of State of Goa so far.

Interlocutory Application No. 17

It is submitted that a certified copy of Order dated 08.12.2015 was sent to the Chief Wildlife Warden, State of Rajasthan for information, compliance and necessary action through Registered A.D. on 12.12.2015.

It is further submitted that Ms. Ruchi Kohli, Advocate has on 1.2.2016 filed Counter Affidavit on behalf of Respondent No. 17 (State of Rajasthan) and the same stands included in the Paper Books.

It is next submitted that Ms. Ruchi Kohli, Advocate has on 16.2.2016 filed Counter Affidavit with permission of Hon'ble Court on behalf of Respondent Nos. 17 and 18 respectively (State of Rajasthan & Chief Wildlife Warden, State of Rajasthan) and the same stands included in the Paper Books.

It is further submitted that Mr. Ajit Sharma, Advocate has on 11.4.2016 filed Reply Affidavit on behalf of Respondent No.2 (Animal Welfare Board of India) and the same stands included in the Paper Books.

It is further submitted that no document has been filed on behalf of Respondent No.1 (Ministry of Environment & Forests), Respondent No.9 (State of Kerala), Petitioner and other Respondents in I.A. No. 17 in pursuance of above Order so far.

Interlocutory Application No. 20

It is submitted that Contempt Petition No. 833 of 2015 has been registered as I.A. No. 20 (Application for Direction) in pursuance of Order dated 8.12.2015.

It is further submitted that proof of service with regard to serving copy of application upon learned counsel for State of Kerala has not been filed by Mr. Ajit Sharma, Counsel for Applicant in I.A. No. 20.

It is next submitted that no Reply has been filed by State of Kerala so far.

Interlocutory Application Nos 4-5

Amended Cause Title stands included in the Paper Books.

Interlocutory Application No. 22

It is submitted that Ms. Aparna Bhat, Advocate on behalf of Petitioner has on 12.2.2016 filed Application for Direction which has been registered as I.A. No. 22 and the same stands included in the Paper Books.

Interlocutory Application Nos. 23 and 24

It is submitted that Mr. Gurudatta Ankolekar, Advocate on behalf of Applicant—Elephant Village Development Society has on 12.2.2016 filed Vakalatnama/appearance and Applications for Impleadment as Party Respondent and Exemption from filing Official Translation which have been registered as I.A. Nos. 23 and 24 and the same stands included in the Paper Books.

Interlocutory Application No. 25

It is submitted that Ms. Aparna Bhat, Advocate on behalf of Petitioner has on 14.3.2016 filed Application for Direction which has been registered as I.A. No. 25 and the same stands included in the Paper Books.

Interlocutory Application No. 26

It is submitted that Ms. Mukti Choudhary, Advocate for the Intervenor i.e. Elephant Owners Development Society has on 16.02.2016 filed an Application for permission to file additional document with the permission of the Hon'ble Court. The said Application has been registered as I.A. No. 26 of 2016 and stands included in the Paper Books.

Interlocutory Application No. 27

It is submitted that Ms. Supriya Juneja, Advocate on behalf of Intervenor i.e. Ms. Gauri Maulekhi has on 28.3.2016 filed Application for Direction which has been registered as I.A. No. 26 and the same stands included in the Paper Books.

Interlocutory Application No. 29

It is submitted that Mr. Ajit Sharma, Advocate on behalf of Respondent No.2 (Animal Welfare Board of India) has on 12.4.2016 filed Application for Stay which has been registered as I.A. No. 29 and is being circulated for the kind perusal of the Hon'ble Court.

Interlocutory Application Nos. 19, 21 and 25

It is further submitted that Interlocutory Application Nos. 19 and 21 in Writ Petition above-mentioned were listed before the Hon'ble Court on 29.03.2016, when the Court was pleased to inter-alia pass the following Order:-

"I.A. No. 19 of 2015

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Mr. Arjun Bobde, learned counsel appearing for the State of Goa has filed a reply in this I.A. It is submitted by the learned counsel that the steps are being taken under the Prevention of Cruelties to Animal Act, 1960 and other relevant laws.

Mr. Vivek Rodrigues, learned counsel appearing for the Jangal Book had filed the counter affidavit. He is at liberty to file any objections to the report submitted by the Animal Welfare Board. The State of Goa shall file an affidavit indicating the details about the affirmative steps it has taken so that animals are not treated with cruelty.

Ms. Mahalakshmi Pavni, learned senior counsel appearing for the Tropical Spice Plantation shall file the counter affidavit within two weeks hence.

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I.A. No. 21 of 2015

“xxx xxx xxx xxx xxx xxx
Issue notice on the I.A.

As Mr. Jogy Scaria, learned counsel accepts notice on behalf of the State of Kerala, no further notice need be issued.

Mr. Jogy Scaria, learned counsel for the State shall file the reply within three weeks hence.

I.A. No. 25 of 2015

Issue notice.

A copy of the I.A. be served on Mr. Jogy Scaria, learned counsel for the State of Kerala. Reply, if any, be filed within three weeks hence.

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Interlocutory Application No. 19

Mr. Gurudatta Ankolekar, Advocate has on 01.04.2016 filed Vakalatnama/Appearance and also on 18.04.2016 filed Affidavit alongwith Application for exemption from filing Official Translation on behalf of Mr. Rohidas B. Satarkar, Proprietor of M/s. Tropical Spice Plantation. The said Application has been registered as I.A. No. 30 of 2016 and the same is being circulated for the kind perusal of the Hon'ble Court.

It is next submitted that Mr. Ajit Sharma, Advocate has on 02.04.2016 filed Reply Affidavit alongwith Application for Exemption from filing Official Translation on behalf of Animal Welfare Board of India, Respondent No. 2. The said application has been registered as I.A. No. 28 and the same is being circulated for the kind perusal of the

Hon'ble Court.

It is further submitted that Mr. Shivraj Gaonkar, Advocate has on 26.04.2016 filed Objections on behalf of impleaded Respondent No. 2, i.e. Jungle Book with the permission of the Hon'ble Court and the same is being circulated for the kind perusal of the Hon'ble Court.

It is next submitted that Mr. Jogy Scaria, Advocate has on 26.04.2016 filed Reply Affidavit on behalf of Respondent No. 9 (Chief Wildlife Warden, State of Kerala) with the permission of the Hon'ble Court but the same was found defective as some Pages of the Annexures are in dim impression. However, the same is being circulated for the kind perusal of the Hon'ble Court.

It is further submitted that no document has been filed by State of Goa so far.

Interlocutory Application No. 21

Pursuant to Order dated 29.3.2016, it is submitted that Mr. Jogy Scaria, Advocate has on 26.04.2016 filed Reply Affidavit on behalf of Respondent No. 9 (Chief Wildlife Warden, State of Kerala) with the permission of the Hon'ble Court but the same was found defective as some Pages of the Annexures are in dim impression. However, the same is being circulated for the kind perusal of the Hon'ble Court.

Interlocutory Application No. 25

Pursuant to Order dated 29.03.2016, it is submitted that Show Cause Notice returnable for 27.04.2016 was issued to (i) Government of Kerala, (ii) Chief Wildlife Warden, State of Kerala, (iii) Animal Welfare Board of India and (iv) Ministry of Environment, Forest and Climate Change through Speed Post/Special Messenger on 16.04.2016.

It is next submitted that neither A.D. Cards nor unserved cover containing Show Cause Notice has been received back so far.

It is further submitted that copy of I.A. has been served on Mr. Jogy Scaria, Counsel for State of Kerala but Reply has not been filed on behalf of State of Kerala so far.

Interlocutory Application No. 31

It is submitted that Mr. Ajit Sharma, Advocate on behalf of Respondent No.2 (Animal Welfare Board of India) has on 26.04.2016 filed Application for Direction with the permission of the Hon'ble Court which has been registered as I.A. No. 31 and is being circulated for the kind perusal of the Hon'ble Court.

The Writ Petition alongwith applications above-mentioned is listed before the Hon'ble Court with this Office Report for orders.

Dated this the 26th day of April, 2016.

Sd/-
Assistant Registrar