



2025:DHC:895



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 15.01.2025***+ **W.P.(C) 1034/2018, CM APPL. 23750/2022****SHAUKAT ALI**

.....Petitioner

Through: Mr. Javed Khan, Mr. Suhail Azhar,
Advvs.

versus

THE CHIEF WILD LIFE WARDEN AND ANRRespondentsThrough: Mr. Satya Narayan Vashisth, Adv. for
R-1 with Mr. Vineet Bhat, Wild Life
Inspector and Mr. Hemant Kumar,
Forest Guard
Mr. Avishkar Singhvi, ASC with Mr.
Naved Ahmed, Mr. Vivek Kr. Singh,
Advvs. for GNCTD**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The prayers in the present Petition read as follows:

“It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to accept the above petition of the Petitioner and quash the impugned order dated 18.10.2017 passed by the Court of the Ld.Governor, Delhi In CONTEMPT CASE No. 57/2016 under Section 10 AND 12 OF THE CONTEMPT OF COURTS ACT and directed the Respondent No.1 to issue ownership certificate of the said elephant, namely, CHAMPA, in favour of the Petitioner, by issuing the writ/order or directions in the nature of Certiorari under Article 226 of the Constitution, in the interest of justice and equity.

Such other or further order may kindly be passed and relief granted in favour of the Petitioner as the Hon'ble Court may deem fit and proper under the circumstances of the case.”

2. The grievance of the Petitioner is essentially against an order dated 18.10.2017 [hereinafter referred to as 'Impugned Order'] passed by the



Office of Respondent No.2.

2.1 By order dated 17.02.2016, Respondent No.2 had given a direction to Respondent No.1 to take steps to grant an ownership certificate to the Petitioner in respect of the elephant named Champa. Subsequently, since the order was not complied with, a petition was filed under the Contempt of Courts Act, 1971 by the Petitioner before the Respondent No.2. While dismissing the Contempt Petition, as not being maintainable, Respondent No.2 directed that by an order dated 04.05.2016 passed by the Supreme Court in I.A. 25 & 27/2016 in Writ Petition(s)(Civil) No(s). 743/2014 captioned as ***Wildlife Rescue and Rehabilitation Centre and Ors. vs. Union of India and Others***, which is annexed as Annexure R-1 to the Counter-affidavit [hereinafter referred to as 'SC Order'], the Supreme Court had directed not to issue any ownership certificates to any persons in possession of elephants, during the pendency of the Petition.

3. Learned Counsel for the Respondents submits that the Respondents, in their Counter-affidavit, clarified that the Impugned Order bases itself on the SC Order, and the Supreme Court has directed that the persons who are in possession of elephants shall not transfer the elephants out the State nor shall they part with the elephants by way of transfer in any manner and that the ownership certificate if any that has been issued shall be withdrawn subject to the final verdict of the Supreme Court.

4. Learned Counsel for Respondent No.1 thus submits that at present, the prayer that has been sought by the Petitioner cannot be granted, since the Petition is still pending before the Supreme Court.

5. This fact has not been disputed by learned Counsel for the Petitioner.



6. A review of the SC Order shows that the Supreme Court has unequivocally directed that the State Government shall not issue any ownership certificate to any of the persons in possession of elephants and it is an undisputed fact that the Petitioner does not have an ownership certificate, this Court cannot fault the Impugned Order. The relevant extract of the order is reproduced below:

*“..... While we are of the view that the said issues raised shall be dealt with at the final stage of hearing, we think it apt to **direct that the State Government shall not issue any ownership certificate to any of the persons in possession of elephants.** That apart, the persons who are in possession of elephants shall not transfer the elephants out the State nor shall they part with the elephants by way of transfer in any manner. **If ownership certificate has been issued in the meantime, the same shall be withdrawn subject to the final verdict of this Court.**”*

[Emphasis Supplied]

7. Learned Counsel for the Petitioner submits that he may be permitted to withdraw the present Petition with liberty to approach the Court in the event that the issue of ownership certificates to persons in possession of elephants is allowed by the Supreme Court or other Statutory Authority.

8. The present Petition is accordingly dismissed as withdrawn with the liberty as prayed for *albeit* in accordance with the law. The pending Application stands closed.

9. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JANUARY 15, 2025/jn

Click here to check corrigendum, if any