

Karnataka High Court vs. Indian Circus Federation.

IN THE HIGH COURT OF KARNATAKA AT BANGALORE DATED THIS THE 14TH DAY OF
JUNE 2000 BEFORE THE HON'BLE MR.JUSTICE V.P. MOHAN KUMAR WRIT PETITION NO:
11473/99 c/w 33019 & 33218/99(GM)
BETWEEN : (IN W.P.11473/99)

1. M/s Great Prabhat Circus
a Proprietary Concern,
rep by its Proprietor
Shri P. Saibaba, Kanakapura,
Bangalore Rural District.

2. Natesan K.
s/o late Madhavan,
Karuvakandy House,
Malladi post, Calicut,
Kerala State.

3. A.Padmanabhan,
Panachikundil House,
Kuttikagam Post Office,
Cannonore, Kerala State.

4. M.Jayarajan,
Jaya Quarters, Darmodama,
Post Office, Tellichery,
Cannanore District. ..Petitioners

(By Sri L.M.Chidanandayya, Adv)

AND:

1. Union of India,
rep by its Secretary
to the Dept. of Social Justice
and Empowerment, Shastri Bhavan,
New Delhi.

2. Principal Conservator of
Forest (Wild Life),
Aranya Bhavan, 18th Cross,
Malleswaram, Bangalore-3.

3. State of Karnataka,
rep by its Secretary
to the Dept. of Forest,
M.S.Building, Bangalore-1.

4. Beauty with Cruelty (India Branch),
registered Charitable Trust,
No. 144, Ist Phase, Girinagar,
Bangalore-85, by its Managing
Trustee, Smt Poornima Harish. ..Respondents

(By Sri Raj Panjwani, Adv, &
Smt. Shobha Patil, GA for R-2 & 3;)
CGSC for R-1:)

(IN W.P.33019 & 33218/99)

BETWEEN:

1. S. Chandrashekar,
S/o P.M.Shivanna,
Aged 26 years,
Kattarpalya Main Road,
Near Binny Mandap,
Dist: Kolar, Karnataka
Presently camping at Bangalore.

2. Vinod Gowda,
S/o Krishna Gowda,
Gandhinagar, Chickmagalur
Presently camping at
Bangalore. ..Petitioners

(By Sri Syed Vali Pasha, Adv)

AND:

1. Union of India,
through Secretary to Govt.,
Ministry of Social Justice and
Employment Shastri Bhavan,
New Delhi.

2. The State of Karnataka,
through Secretary to
Govt., Department of Home,
Karnataka, Vidhana Soudha,
Bangalore.

3. Compassion Unlimited Plus Action (CUPA),
A registered Public Charitable Trust,
having its Office at No.257,
Ist Cross, H.A .L. 2nd Stage,
Bangalore-560 038, Rep by its
Honorary Secretary, Smt Suparna
Bakshi Ganguly. ..Respondents

By Sri B.K.Nanda Kumar, for R-3,
Sri Massilamani E.
Ms. Brinda, Adv)

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These writ petitions are filed under Articles 226 and 227 of the Constitution of India with a prayer to quash vide Annex-A dtd. 11.10.1998 passed by R1 and etc.,

These writ petitions coming on for prly.hg. this day the court made the following:

ORDER:

The question raised in these petitions relate to the ban imposed by the Government of India on the exhibition of circus animals. This Court apparently relying on the interim order passed by the Kerala High Court in a batch of cases O.P. Nos.155/98 and connected cases entertained the writ petitions and granted interim relief. I am informed by Sri Raj Panjuwani, learned counsel for the respondent that one such writ petition has been filed by the employees and the Kerala High Court has dismissed the same by Judgement dated 6.2.2000. I have persued the Judgement. The learned Judges have exhaustively considered all the aspects and as such nothing survives for consideration by this Court. Besides when once the very same contention raised by the employees of the petitioner company had been gone into and negated by the High Court, then in due respect to the Judgement this Court has to dismiss this writ petition as well. Accordingly these proceedings are dismissed. However the learned counsel for the respondent points out that by virtue of the order passed by Delhi High Court in CM: 12105/98 in C.W.P.No.890/91, certain interim of compensation has been awarded to the owners of the circus company who are adversely affected by the impugned order. I am informed that the petitions have not approached the Government of India for the said relief. The learned counsel for the respondent assures me that if the petitioners approach the respondents seeking interim compensation it will be paid in accordance with the Guidelines laid down by the Government. As regards final compensation is concerned, this question has not been raised so far and no compensation is claimed as well. A claim in this behalf may be made by the petitioners in due time. The question of compensation for ownership etc. etc., urged by the learned counsel for the petitioners need not be gone into at this stage, as that does not arise for consideration. If and when such claim is made and rejected it is open to the petitioner to approach this Court. This Judgement will not conclude the said rights if any of the parties. Writ petition is disposed of.

Sd/- JUDGE

"TRUE COPY

Section Officer
High Court of Karnataka
Bangalore 560 001