

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 4711 of 2015 (S)

PETITIONERS :

1. KERALA SAMSTHANA CARPENTER'S ASSOCIATION,
PENGATTIRI P.O., NELLAYA, PALAKKAD DISTRICT
REPRESENTED BY IT'S PRESIDENT E.SUKUMARAN.
2. RAMACHANDRAN
S/O. NARAYANAN, MOLOOR ASARI PURAKKAL, P.O.NELLAYA
OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.P.JAYARAM

RESPONDENTS :

1. NELLAYA GRAMA PANCHAYAT
REPRESENTED BY IT'S SECRETARY, P.O.NELLAYA
PALAKKAD DISTRICT - 679 335.
2. THE SECRETARY
NELLAYA GRAMA PANCHAYAT, P.O.NELLAYA
PALAKKAD DISTRICT - 679 335.
3. SURESH BABU
FATHER'S NAME NOT KNOWN TO THE PETITIONERS PROPRIETOR
MODERN WOOD WORKS AMBEDKAR GRAMAM, PENGATTIRI
P.O.NELLAYA
PALAKKAD DISTRICT - 679 335. PHONE - 9447527158.
4. MOHEMMED KUTTY
FATHER'S NAME NOT KNOWN TO THE PETITIONERS
PROPRIETOR, SAWMIL P.O., NELLAYA
PALAKKAD DISTRICT - 679 335. PHONE - 9446639389.
5. OTTAPALAM MUNICIPALITY
REPRESENTED BY IT'S SECRETARY
P.O.OTTAPALAM - 679 101.

6. THE SECRETARY
OTTAPALAM MUNICIPALITY, P.O.OTTAPALAM - 679 101.
7. HARI PRASAD
FATHER'S NAME NOT KNOWN TO THE PETITIONERS
PROPRIETOR, SWAMILL, MURUKKUMPATTA
P.O.CHUNANGADU - 679 511
8. MONUPPA, FATHER'S NAME NOT KNOWN TO THE PETITIONERS
SHAKKEELA SWA MILL, PULINCHODU P.O.
CHUNANGADU - 679 511.
9. NAZEER SAW MILLS
SAWMILL, P.O.PALAPPURAM - 679 103, PH - 0844160545.
10. MANNARKKAD GRAMA PANCHAYAT
REPRESENTED BY IT'S SECRETARY
P.O.MANNARKKAD - 678 582.
11. THE SECRETARY
MANNARKKAD GRAMA PANCHAYAT
P.O.MANNARKKAD - 678 582.
12. SARFUDHEEN
FATHER'S NAME NOT KNOWN TO THE PETITIONERS KOTTIYODE
CHIRAKKALPADI, MANNARKKAD - 678 582, PH - 9947856239.
13. SREEKIRSHNAPURAM GRAMA PANCHAYAT
REPRESENTED BY IT'S SECRETARY
P.O.SREEKRISHNAPURAM - 679 513.
14. THE SECRETARY
SREEKRISHNAPURAM GRAMA PANCHAYAT
P.O.SREEKRISHNAPURAM - 679 513.
15. PULIKKADAN HAMZA
N.M.SAW MILL, SHEDUMKUNNU
P.O.SREEKIRSHNAPURAM- 679 513, PH - 9847280591.
16. THIRUVEGAPURA GRAMA PANCHAYAT
REPRESENTED BY IT'S SECRETARY, THIRUVEGAPURA
KAIPURAM P.O - 679 308.
17. THE SECRETARY
THIRUVEGAPURA GRAMA PANCHAYAT, THIRUVEGAPURA
KAIPURAM P.O - 679 308.
18. SALAM
FATHER'S NAME NOT KNOWN TO THE PETITIONERS PROPRIETOR
SALAM SAWMILL, NADUVATTOM P.O - 679 308
PH - 9846978006.

19. STATE OF KERALA
REPRESENTED BY SECRETARY
LOCAL SELF GOVERNMENT DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
20. STATE OF KERALA
REPRESENTED BY SECRETARY
DEPARTMENT OF FOREST AND WILD LIFE
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
21. ADDITIONAL PRINCIPAL CHIEF FOREST CONSERVATOR
(SPECIAL AFForestation) & NODAL OFFICER, VAZHUTHACAUD
THIRUVANANTHAPURAM - 695 014.
22. PRINCIPAL CHIEF FOREST CONSERVATOR
FOREST HEADQUARTERS, CAZHUTHACAUD
THIRUVANANTHAPURAM - 695 014.

R19 TO R22 BY SRI.M.P.MADHAVANKUTTY, SPL. GOVT. PLEADER FOR FOREST

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1 - TRUE COPY OF THE REPRESENTATION DT. 17.9.14 SUBMITTED BY THE
1ST PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P1(A) - TRUE ENGLISH TRANSLATION OF EXT. P1.

EXT.P1(B) - TRUE COPY OF THE ACKNOWLEDGMENT DT. 17.9.14 RECEIVED FROM
THE OFFICE OF 1ST RESPONDENT ON EXT. P1 REPRESENTATION.

EXT.P1(C) - TRUE ENGLISH TRANSLATION OF EXT. P1(B).

EXT.P2 - TRUE COPY OF THE REPRESENTATION DT. 01.11.14 SUBMITTED BY THE
1ST PETITIONER BEFORE THE 6TH RESPONDENT.

EXT.P2(A) - TRUE ENGLISH TRANSLATION OF EXT. P3.

EXT.P3 - TRUE COPY OF THE REPRESENTATION DT. 30.9.14 SUBMITTED BY THE
1ST PETITIONER BEFORE THE 11TH RESPONDENT.

EXT.P3(A) - TRUE ENGLISH TRANSLATION OF EXT. P3.

EXT.P3(B)- TRUE COPY OF THE ACKNOWLEDGEMENT DT. 30.9.14 RECEIVED FROM
THE OFFICE OF 10TH RESPONDENT ON EXT. P3 REPRESENTATION.

EXT.P4 - TRUE COPY OF THE REPRESENTATION DT. 30.9.14 SUBMITTED BY THE
1ST PETITIONER BEFORE THE 14TH RESPONDENT.

EXT.P4(A) - TRUE ENGLISH TRANSLATION OF EXT. P4.

EXT.P4(B) - TRUE COPY OF THE ACKNOWLEDGMENT RECEIVED FROM THE OFFICE
OF THE 13TH RESPONDENT ON EXT. P4 REPRESENTATION.

EXT.P5 - TRUE COPY OF THE REPRESENTATION DT. 20.9.14 SUBMITTED BY THE
1ST PETITIONER BEFORE THE 17TH RESPONDENT.

EXT.P5(A) - TRUE ENGLISH TRANSLATION OF EXT. P5.

EXT.P5(B) - TRUE COPY OF THE ACKNOWLEDGMENT RECEIVED FROM THE OFFICE
OF THE 16TH RESPONDENT ON EXT. P5 REPRESENTATION.

EXT.P6 - TRUE COPY OF THE ORDER/CORRESPONDENCE A3 - 12563/14
DT. 26.8.14 ISSUED BY PANCHAYAT DEPUTY DIRECTOR, PALAKKAD
TO ALL THE GRAMA PANCHAYAT SECRETARIES IN THE DISTRICT.

EXT.P6(A) - TRUE ENGLISH TRANSLATION OF EXT. P6.

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EXT.P7 - TRUE COPY OF THE RELEVANT PARTS OF KERALA FOREST (REGULATION
OF SAWMILLS AND OTHER WOOD - BASED INDUSTRIAL UNITS) RULES,
2012 AS PER G.O(P) NO. 51/2012/F&WLD DT. 19.4.12.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

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Dated this the 2nd day of March, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the petitioners and learned Special Government Pleader. No notice is being issued to the private respondents in view of the order which is being passed.

2. Petitioners have come with the grievance that there is violation of Rule 9(iii) of the Kerala Forest (Regulation of Saw Mills and other Wood Based Industrial Units) Rules, 2012 since the saw mill and furniture unit are functioning in the same premises in several instances. In this context, he has submitted complaints to the local authority which are produced as Exts.P1 to P5. Learned Special Government Pleader submits that the power to implement the rule effectively is vested with the Divisional Forest officer who is the authority to grant No Objection Certificate for licensing of appropriate units.

3. In the facts of the present case, principles of natural justice will be safeguarded, if the petitioner is given an

opportunity to submit a representation before the Divisional Forest Officer concerned, who may look into the grievance and take such action as permissible under law.

With the above observation, the Writ Petition is disposed of.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**