

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 7514 of 2015 (L)

PETITIONER :

**BALAKRISHNAN K.S.,
S/O.SANKARAEZHUTHACHAN
PROPRIETOR OF AISWARYA SAW MILL, AGED 55 YEARS
RESIDING AT MELEKOLERIYIL HOUSE, LAKKIDI POST
OTTAPPALAM, PALAKKAD DISTRICT
REPRESENTED BY HIS POWER OF ATTORNEY SANTHOSH K.B.,
S/O.BALAKRISHNAN K.S., RESIDING AT MELEKOLERIYIL HOUSE
LAKKIDI POST, OTTAPPALAM, PALAKKAD DISTRICT.**

BY ADV. SRI.P.R.VENKATESH

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY
DEPARTMENT OF FOREST AND WILD LIFE, SECRETARIAT
THIRUVANANTHAPURAM – 695001.**
 - 2. THE CONSERVATOR OF FOREST
OLAVAKODE, PALAKAD DISTRICT – 678 002.**
 - 3. DIVISIONAL FOREST OFFICER
NENMARA, PALAKKAD DISTRICT – 678 508.**
 - 4. PRINCIPAL CHIEF CONSERVATOR AND HEAD OF FOREST FORCE,
CHAIRMAN, ADVISORY COMMITTEE, THIRUVANANTHAPURAM - 695001**
- R1 TO R4 BY SPL. GOVT. PLEADER (FOREST) SRI.M.P.MADHAVANKUTTY**
- THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

WP(C).No. 7514 of 2015 (L)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1: TRUE COPY OF THE LICENCE ISSUED BY THE JOINT DIRECTOR OF
 FACTORIES AND BOILERS DATED 14.07.2011.**
- EXT. P2: TRUE COPY OF THE LICENCE RENEWED AS ON 28.10.2014 BY THE
 DFO, NEMMARA.**
- EXT. P3: TRUE COPY OF CONSENT TO OPERATE ISSUED BY THE POLLUTION
 CONTROL BOARD DATED 13.08.2014.**
- EXT. P4: TRUE COPY OF THE APPLICATION SUBMITTED ON 19.10.2012 BY THE
 PETITIONER IN FORM NO.III.**
- EXT. P5: TRUE COPY OF THE LICENCE ISSUED BY THE KANNAMPRA GRAMA
 PANCHAYAT DATED 19.01.2015.**
- EXT. P6: TRUE COPY OF THE REPLY DATED 08.12.2014 RECEIVED BY THE
 PETITIONER FROM THE ADDL. CHIEF SECRETARY.**
- EXT. P7: TRUE COPY OF THE KERALA FOREST (REGULATION OF SAW MILL
 AND OTHER WOOD BASED INDUSTRIES) RULE 2012**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 7514 of 2015

Dated this the 20th October, 2015

JUDGMENT

The petitioner has approached the third respondent Divisional Forest Officer as per Exhibit P4 application for enhancing the capacity of the saw mill. This was not considered, whereupon the petitioner approached the Government. The Government rejected the petitioner's request. Exhibit P6 is the order.

2. This Court is of the view that Exhibit P4 application shall be concluded by the Divisional Forest Officer, who is the competent authority to take a decision in the matter. Therefore, the third respondent, Divisional Forest Officer is directed to consider and take decision on Exhibit P4 within two months from the date of receipt of a copy of this judgment, after hearing the petitioner. It is open for the Divisional Forest Officer to grant provisional permission to the petitioner pending Exhibit P4, if exigency is required,

within two weeks from the date of receipt of a copy of this judgment. In view of the above, Ext.P6 is set aside.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs21/10/15