

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 25422 of 2014 (C)

PETITIONER(S):

**ANOOP FRANCIS, S/O. E.O. FRANCIS,
AGED 39 YEARS, RESIDING AT ELUVATHINGAL HOUSE,
CHEVOOR P.O., THRISSUR DISTRICT.**

**BY ADVS.SRI.T.MADHU,
SMT.C.R.SARADAMANI.**

RESPONDENT(S):

- 1. PRINCIPAL CHIEF CONSERVATOR OF FORESTS
AND HEAD OF THE FOREST FORCES, FOREST HEAD QUARTERS,
VAZUTHAKAD, THIRUVANANTHAPURAM - 695 001.**
- 2. CONSERVATOR OF FORESTS,
CENTRAL CIRCLE, PARAVATTANI, THRISSUR - 680 005.**
- 3. VIGILANCE AND ANTI CORRUPTION BUREAU,
REPRESENTED BY ITS DIRECTOR,
THIRUVANANTHAPURAM - 695 001.**
- 4. DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION BUREAU, THRISSUR UNIT,
SHORNUR ROAD, THRISSUR -680 008.**
- 5. SUB INSPECTOR OF POLICE,
CHERPU POLICE STATION, THRISSUR DISTRICT - 680 561.**
- 6. K.T. ROY,
DEPUTY RANGE FOREST OFFICER, PONGANAMKAD,
FOREST STATION, THRISSUR DISTRICT - 680 028.**

**R1 TO R5 BY SPL. GOVT. PLEADER SRI.M.P.MADHAVANKUTTY.
R6 BY ADVS. SRI.JAIBY PAUL,
SRI.ANITA.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - THE TRUE COPY OF THE REPRESENTATION DTD. 02.08.2014 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE CHIEF MINISTER OF KERALA.
- P2 - THE TRUE COPY OF THE REPRESENTATION DTD. 31.07.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- P3 - THE TRUE COPY OF THE COMPLAINT DTD. 12.09.2014 STATED TO BE SUBMITTED BY SRI.BINOY, BEET FOREST GUARD OFFICER OF PONGANAMKAD FOREST STATION TO THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:-

- EXT.R6A COPY OF THE MAHAZAR PREPARED BY THE 6TH RESPONDENT ON 05/04/2013.
- EXT.R6B COPY OF THE SEIZURE MAHAZAR PREPARED ON 10/04/2013.
- EXT.R6C COPY OF THE STATEMENT GIVEN BY E.O. FRANCIS BEFORE THE RFO, PATTIKAD ON 10/04/2013.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 25422 of 2014

Dated this the 16th day of September, 2015

J U D G M E N T

Petitioner, aggrieved by the non-conclusion of the proceedings against the sixth respondent based on Ext.P2, has approached this Court.

2. Petitioner raised a complaint by Ext.P2 as against the sixth respondent before the second respondent. Petitioner submitted that the second respondent ordered to conduct an enquiry as against the sixth respondent. It appears that nothing has been transpired thereafter to conclude the proceedings as against sixth respondent.

3. In this matter, the second respondent filed a counter affidavit.

In paragraph 4, it is stated as follows:-

“4. The Assistant Conservator of Forests, Special Investigation & Protection, Thrissur and the Technical Assistant, Office of the Conservator of Forests, Thrissur had conducted the enquiry and found that the allegations made by the petitioner/complainant are not totally out of

merit and that there are discrepancies in the documents maintained in the station and the statement given by the Deputy Range Officer, Shri.K.T.Roy. Further, it was found that there were no entries of the seizure of rose wood made by him on 5.4.2013 in the thondy register maintained in the Forest Station and the act was observed as a serious lapse on the part of the Deputy Range Officer. Later on, the seized rose wood was correlated with OR 6/2012 & OR 1/2013.”

4. In the counter affidavit filed by the sixth respondent, in para 3, it is stated as follows:

“3. The Deputy Range Forest Officer at the relevant period registered OR No.6/12 and 1/13 in connection with cutting and removal of rose wood trees from the reserved forest on 27/12/2012 and 20/2/2013 respectively against some other person as early. Later when this respondent taken the charge an enquiry was conducted and seized rosewood logs from the front road laying nearby the mill.”

5. This Court is of the view that the first respondent shall take the complaint of the petitioner and enter into a logical conclusion, after verifying the report of the second respondent and also hearing the petitioner as well as the sixth respondent. Needful shall be done

within a period of three months from the date of receipt of a copy of this judgment.

This writ petition is disposed of as above.

sd/-

A.MUHAMED MUSTAQUE,
Judge

MBS/

WP(C).NO.25422 OF 2014

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