

4525
4/8/20

File No.FWLD-B2/49/2018-FWLD



GOVERNMENT OF KERALA

Abstract

The Revision Petition filed by Smt.Lissy John, Aranjarahil House, Vattekkad, Kollengode.P.O, Palakkad before the Revisional Authority / Secretary, Forest & Wild Life Department for obtaining NOC for sawmill named 'Anjali Sawmill' at Vattekkad- Rejected - Orders issued.

FOREST & WILDLIFE (B) DEPARTMENT

G.O.(Rt)No.42/2020/F&WLD Dated,Thiruvananthapuram, 28/02/2020

- 1 Read Letter No. FC3-20645/2012 dated 4/1/2018 of Principal Chief Conservator of Forests (Forests, Land & Resources), Thiruvananthapuram.
- 2 Revision Petition dated 12/02/2018 submitted by Smt. Lissy John, Palakkad before Secretary, Forest & Wild Life Department.
- 3 Letter No. FC4-12317/2018 dated 27/2/2019 of Principal Chief Conservator of Forests (Forests, Land & Resources).
- 4 Letter of Smt. Lissy John dated 6/1/2020 before Additional Chief Secretary, Forest & Wild Life Department.
- 5 Letter No. E1-426/2018 dated 14/1/2020 of Divisional Forest Officer, Nenmara, Palakkad.
- 6 Letter No. M-3865/2018 dated 16/1/2020 of Chief Forest Conservator, Eastern Circle, Olavakkod, Palakkad.
- 7 Letter No. FC4-12317/2018 dated 16/1/2020 of Principal Chief Conservator of Forests (Forest Management), Forest Headquarters, Thiruvananthapuram.

ORDER

Revision Petition was submitted by Smt. Lissy John, Aranjarahil House, Vattekkad, Kollengode P.O, Palakkad, vide 2nd Paper above, before the Secretary, Forest & Wild Life Department, with a plea to issue NOC for sawmill named 'Anjali Sawmill' at Vattekkad.

2. The contentions in the Revision Petition are that NOC was issued by Divisional Forest Officer, Nenmara, dated 10/04/1995 on behalf of Forest Department for producing the same before the District Industries Officer, Palakkad. The sawmill is said to have been established in 1996 with the permission of Forest Department. The KSEB granted electric connection for the sawmill on 25/09/1996. NOC was issued by Divisional Forest Officer, Nenmara for the sawmill on 27/4/1999. The Petitioner submitted that the sawmill had been functioning well till the end of 1999, but afterwards as the petitioner was unable to operate the saw mill due to financial crisis and the functioning of the sawmill was entrusted to a relative who did not apply for NOC from Local Self Government Department and Factories & Boilers Department.

3. After the enactment of the Kerala Forest (Regulation of Sawmill and other wood based Industrial Units) Rules, 2012 and Amended Rules, 2015 the revision petitioner submitted an application for license under the said rule on 03/03/2016. As per letter read as 1st paper above, the said application was rejected by the Principal Chief Conservator of Forests (Forest, Land & Resources) on 04/01/2018 as decided by the State Level Advisory Committee due to lack of valid documents (D&O Register copy).

4. As per the letter read as 3rd paper above, Principal Chief Conservator of Forests (Forests, Land & Resources) informed that according to the Sawmill Regulation Rules, Forest License is to be issued to the units which operated with the license of the Panchayat /Factories & Boilers Department before 30.10.2002. As per the Sawmill Regulation Rules, 2012 and the Amendment Rules, 2015 a period of 6

months each was provided for renewal of license. The PCCF (F,L&R) reports that the petitioner did not get license during the period in which the Divisional Forest Officer, Nenmara issued NOC to obtain the license from the Factories & Boilers Department, but the petitioner failed to do so. The PCCF informed that the Chief Forest Conservator (Eastern Circle) Palakkad reported although it is claimed that the sawmill has been operating since 1996, no documents have been produced to prove it. PCCF recommended that the revision petition filed by the petitioner may be dismissed as it is found that Smt. Lissy John's application could only be found as an attempt to set up an unlawful establishment without following the conditions and hence need not be considered.

5. As per the request of the petitioner, Additional Chief Secretary (Forest & Wildlife Department) decided to hear the petitioner at 3.00 PM on 17/01/2020 and the communication was sent to the petitioner. But the petitioner did not appear for the hearing. Forest officials appeared for the hearing. As per the letter read as 4th paper above, Smt. Lissy John informed that the sawmill was closed down and she is not interested to continue with her revision petition. As per letters read as 5th, 6th and 7th paper above, the Divisional Forest Officer, Nenmara, Chief Forest Conservator, Eastern Circle, Olavakkod, Palakkad, Principal Chief Conservator of Forests (Forest Management) also informed that the petitioner is not interested to continue with her revision petition.

6. Government have examined the matter in detail and have arrived at the conclusion that the revision petitioner, Smt. Lissy John is not able to produce the documents showing that she had the required licenses from Factories and Boilers Department/Panchayat Department,

and in fact, has clearly admitted that the sawmill was functioning in the past without these licenses. The Principal Chief Conservator of Forests (Forest, Land & Resources) has also stated that the unit is not a functioning one, and the petitioner has produced no documents to prove otherwise. In the circumstances detailed above, it is ordered to ensure that the operation of the unit of the wood based industrial unit of the revision petitioner namely, 'Anjali Sawmill' without sanction from the Forest Department in violation of provisions of the Kerala Forest (Regulation of Saw Mills and Other Wood Based Industrial Units) Rules, 2012 and Kerala Forest (Regulation of Saw Mills and Other Wood Based Industrial Units) Rules, 2015 should immediately be stopped. The revision petition submitted by Smt. Lissy John, Aranjarahil House, Vattekkad, Kollengode.P.O, Palakkad before Additional Chief Secretary, Forest & Wild Life Department is rejected accordingly.

(By order of the Governor)
BINOD K
DEPUTY SECRETARY

To

Smt.Lissy John, Aranjarahil House, Vattekkad, Kollengode.P.O, Palakkad.

The Principal Chief Conservator of Forests & Head of Forest Forces, Forest Head Quarters, Vazhuthakkad, Thiruvananthapuram.

The Principal Chief Conservator of Forests (Special Afforestation & Nodal Officer), Forest Head Quarters, Vazhuthakkad, Thiruvananthapuram.

The Principal Chief Conservator of Forests (Forest Management), Forest Head Quarters, Vazhuthakkad, Thiruvananthapuram.

The Principal Accountant General (Audit / A&E) Kerala, Thiruvananthapuram.

The Chief Conservator of Forests, Eastern Circle, Olavakkod, Palakkad.

The Divisional Forest Officer, Office of the Divisional Forest Office,

Nenmara, Palakkad.

The Secretary, Elavancheri Grama Panchayath, Elavancheri P.O,
Palakkad.

✓ The Director, Information & Public Relation (Web & New Media)
Department

Forest & Wildlife (PS) Department.

Stock File / Office Copy.

Forwarded /By order
Signature valid
Digitally signed by PRAVEEN
KUMAR S
Date: 2020.02.23 12:05:27 IST
Reason: Approved
Section Officer

Copy to;-

PA to Additional Chief Secretary (Forest & Wildlife Department).