



GOVERNMENT OF KERALA

Abstract

Revision Petition under Rule 20 of the Kerala Forest(Regulation of Sawmills and other Wood-based Industrial Units)Rules.2012 filed by Sri.K.S.Jaffer Siddique, Proprietor, M/S Souda Wood Industries, Ednad P.O, Seethangoli, Kasaragod District-Disposed of-Orders issued.

FOREST & WILD LIFE(B)DEPARTMENT

G.O.(R)No.155/2021/F&WLD Dated,Thiruvananthapuram,
21/05/2021

- 1 Read 1 Order No.KGE-1768/2019 dated 14/11/2019(2) of the Divisional Forest Officer,Kasaragod
- 2 Order No.P 7998/2019 dated 24/01/2020 of the Chief Forest Conservator,Northern Circle,Kannur
- 3 Revision Petition dated 15/12/2020 filed by Sri.K.S.Jaffer Siddique, Proprietor, M/S Souda Wood Industries,Ednad P.O,Seethangoli, Kasaragod District
- 4 Judgment dated 12/01/2021 of the Hon'ble High Court in WP(C)NO.27846/2020(E)
- 5 Letter no.FC6-5/2021 dated 25/03/2021 of the Principal Chief Conservator of Forest(FM)& Nodal Officer.F(C) Act Thiruvananthapuram

ORDER

Sri.K.S.Jaffer Siddique,Proprietor, M/S SoudaWood Industries, Ednad P.O, Seethangoli, Kasaragod District filed Revision Petition as per Rule 20 of the Kerala Forest(Regulation of Sawmills and other Wood-based Industrial Units)Rules. 2012 before the Principal Secretary(Forest & Wild Life) against the cancellation of the license of his sawmill. The petitioner also filed WP(C)No.27846/2020(E) before the Hon'ble High Court of Kerala.The interim relief sought for in the WP(C) was to stay the operation

of Ext P3 and Ext P4 Orders and permit the petitioner to function his sawmill pending disposal of the above Writ Petition.

2) The Hon'ble High Court of Kerala, in its judgment read as 4th paper above, directed the additional 3rd respondent- Government to consider and pass orders on Exhibit P5 Revision Petition in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of a copy of the judgment.

3) In view of the directions issued by the Hon'ble High Court to dispose of the Exhibit P5 Revision Petition read as 3rd paper above, within the time limit, the petitioner was afforded an opportunity of hearing on 26/03/2021.

4) During the hearing, the Counsel for the Petitioner submitted that the petitioner's firm M/s. Souda Wood Industries, located at Seethangoli in Kasaragod District, had been functioning after procuring license from the Divisional Forest Officer, Kasaragod which is in force from 01/01/2016 to 31/12/2020. As per the license condition, the petitioner was permitted to saw wood using a Band Saw using 40 HP motor and Re Saw using 15 HP motor and thus the total permitted limit used by him is in total 55 HP. During the inspection on 04/09/2019, the flying squad of Kasaragod Forest Range found machineries other than permitted license and it was alleged that those machineries produced an extra 7.5 HP which was beyond the permissible limits. Though the petitioner informed that the machineries are damaged and burned out and were kept only to help service the existing machinery by salvaging spare parts from them and no power supply was connected to the defective machinery. He said that the officials of the Forest Department ignored them and directed the Divisional Forest Officer, Kasaragod to initiate action against the mill. The DFO, Kasaragod issued a show cause notice to him on 04/09/2020. But it was not received by the petitioner as his manager did not inform him about the notice. So before he could not enquire into the

show cause notice, the DFO, Kasaragod issued an ex parte order (Exhibit P3) cancelling the licence of the petitioner to run the saw mill alleging violation of rule 8 (ix) and 12 of the Kerala Forest (Regulation of Sawmills and other wood based industrial units) Rule, 2012. Aggrieved by this, the petitioner filed an appeal before the Chief Forest Conservator, Northern Circle, Kannur and the appeal was also dismissed by an order dated 24/01/2020 (Exhibit P4). Challenging the above orders of the DFO and the CCF, the petitioner filed the revision petition before Government.

The Counsel stated that the presence of excess machinery in the mill was caused by the Manager of the firm, who had some animosity towards his owner. He said that the owner, Sri. Jaffer Siddique was ignorant about the fact at the time of inspection. It was requested that the incident may be considered as a misconduct by the staff of the proprietor with malicious intention towards his owner. He has also stated that fine shall be remitted as per rules if necessary.

5) The Principal Chief Conservator of Forest(Forest Management) in his letter read as 5thpaper reported that the proprietor of the saw mill had been given notice for removal of excess machinery from the mill by the Divisional Forest Officer, Kasaragode. As per Rule 8 (ix) of the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012, there is violation on the part of the proprietor. As per Rule 17, licence can be cancelled temporarily and the party has to be informed of the matter and an explanation for not cancelling the licence permanently must be obtained from him. Rule 18 (3) specifies that a show-cause notice has to be issued to the party and the party should be given a reasonable opportunity of being heard in person. Only after completing the above procedures, the DFO can take action to cancel the licence. It was reported that the action taken by the DFO, Kasaragode was not fully according to the rules and hence the order of the

DFO, Kasaragode (Ext P3) read as 1st paper is liable to be cancelled and that the party's licence may be renewed.

6) Government examined the matter in detail.It is found from the report of the Principal Chief Conservator of Forest(Forest Management)that the action of the Divisional Forest Officer, Kasaragod in cancelling the licence of the petitioner's saw mill was not fully according to the rules of the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012. Rule 18(3) states as follows,

"No order of cancellation of licence shall be passed by the Authorized Officer without giving a reasonable opportunity of being heard to the licensee in person and without communicating the reasons for such cancellation in writing to him."

In view of the above rule, the order of the Divisional Forest Officer, Kasaragod read as 1st paper above stands cancelled.Government order that the Divisional Forest Officer, Kasaragod shall take action to renew the licence of the petitioner's saw mill.

7) The Revision Petition read as 3rd paper is disposed of accordingly and thereby,the direction issued by the Hon'ble High Court vide its judgment read as 4th paper above, is complied with.

(By order of the Governor)
JAYARAMKUMAR R
DEPUTY SECRETARY

Sri.K.S.Jaffer Siddique. Proprietor, M/S Souda Wood Industries, Ednad
P.O, Seethangoli, Kasaragod District-671321.

The Principal Chief Conservator of Forest(Forest Management),Forest
HeadQuarters,Vazhuthacaud,Thiruvananthapuram.

The Divisional Forest Officer,Kasaragod

The Chief Forest Conservator,Northern Circle,Kannur

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

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Digitally signed by PADMINI K S

Date: 2021.05.21 15:17:17 IST

Reason: Approved

Section Officer

Copy to:-

Private Secretary to Hon'ble Minister(Forest & Wild Life Department)

Personal Assistant to Principal Secretary(Forest & Wild Life Department)