



GOVERNMENT OF KERALA

Abstract

Judgment in WP(C) 15776/2023 dated 22/5/2023 filed by Sri.Ranjith Rajan before the Hon'ble High Court of Kerala-Complied with-Orders issued.

FOREST & WILDLIFE (B) DEPARTMENT

G.O.(Rt)No.386/2023/F&WLD Dated,Thiruvananthapuram, 13-10-2023

- Read 1 Revision petition dated 7/2/2023 filed by Sri. Ranjith Rajan, GRS Plywoods, Perayam, Nedumangad, Thiruvananthapuram.
- 2 Judgment dated 9/3/2023 in WP(C) No.8090/2023 filed by Sri.Ranjith Rajan before the Hon'ble High Court of Kerala.
- 3 G.O(Rt) No. 167/2023/FWLD dated 20/4/2023,
- 4 Judgment dated 22/05/2023 in WP(C) No.15776/2023 filed by Sri.Ranjith Rajan before the Honourable High Court of Kerala
- 5 Lr.No.FC3-673/2023 dated 22/6/2023 of the Conservator of Forests (Special Afforestation) & Member Secretary, State Level Committee), Forest Headquarters, Thiruvananthapuram.

ORDER

Sri.Ranjith Rajan filed the Writ Petition (C) 15776/2023 before the Hon'ble High Court of Kerala for granting license to his Plywood Manufacturing Unit called GRS Plywoods situated at Perayam, Nedumangad, Thiruvananthapuram.

The petitioner applied for issuing of a license under rule 4 of the Kerala Forest (Regulation of Sawmills and other Wood based Industrial Units) Rules, 2021. The application was rejected by Divisional Forest Officer, Thiruvananthapuram, consequent to which, the petitioner has preferred an appeal before the Chief Conservator of Forest, which was also rejected on the ground that the Unit is with in a radial distance of 5Km from Chekkonam Reserve Forest.

Aggrieved by the above, the petitioner has submitted a petition before the 1st

Respondent, Additional Chief Secretary, Forest & Wildlife Department, Government of Kerala. Government after examining the case in detail and have issued directions to the Conservator of Forests (Special Afforestation) for examining the matter. Subsequently, the Range Forest Officer, Palode Range, Tvpm (6th Respondent) issued a notice to the Petitioner to stop the functioning of the Plywood Unit within 7 days of receipt of notice (Ext P8). Aggrieved by the non consideration of the petition and issuance of Ext P8 Notice, the Petitioner has filed a Writ Petition 8090/2023 before the Hon'ble High Court. As per the petition read as 1st paper above, Sri.Ranjith Rajan also filed a Revision Petition before Government.

As per the paper read as 2nd above, Hon'ble Court directed the 1st respondent, Additional Chief Secretary, Forest & Wildlife Department to finalize the petition at the earliest, at any rate within one month from the date of receipt of a copy of the Judgment. As per the paper read as 3rd above, Govt complied the Court direction by rejecting the Revision Petition (Exhibit P5). Being aggrieved by this, the Petitioner filed the Writ Petition 15776/2023 before the Hon'ble High Court stating that the revision petition was rejected by the 1st respondent without giving him an opportunity of being heard.

As per Judgment read as 4th above, the Hon'ble Court disposed of WP(C) 15776/2023 by setting aside G.O(Rt) 167/2023/FWLD dated 20/4/2023 and directed the 1st respondent, Additional Chief Secretary, Forest & Wildlife Department to reconsider, Exhibit P5, Revision Petition after giving an opportunity of hearing to the petitioner within a period of three months from the date of receipt of a copy of the Judgment. The Hon'ble Court also ordered to maintain status quo till a decision was taken by the Government.

As directed by the Hon'ble High Court vide judgment read as 4th paper above, the Joint Secretary (Forest & Wildlife Department) has given an opportunity of hearing to the petitioner on 19/7/2023 . During the hearing the petitioner argued that his Plywood Unit is not situated within 5 Km from the boundary of the Forest and none of the documents show that Chekkonam

Reserve Forest is more than 40 hectares. The Petitioner stated that the Unit doesn't come under Category II or Category VII of the Rule as to be exempted from the requirement of maintaining a distance of 5 Km from the boundary of any nearest notified forests or protected areas having an extent of 40 hectares. He also argued that there is no natural forest at Chekkonam at present and the entire area is Acacia plantation. This aspect is not seriously considered by the Divisional Forest Officer and the Appellate Authority. The petitioner also stated that he will use only rubber trees for production. Rubber based industrial units in no way harms the existence of forest. The Chekkonam Reserve Forest is not a natural forest with biodiversity or unique ecosystem. It is therefore not a forest from which there is a requirement to maintain distance rule. In addition to the above he said that he started business by raising a huge loan of ₹ 60 lakh and 22 families are depending on the income from the unit. Saying thus, he has requested to consider his case favorably and ought to be set aside the orders of the DFO and issue license to his unit.

Government have examined the matter in detail. The Conservator of Forests (SA) has reported that the distance between the petitioner's plywood unit and the adjoining reserve forest is only 3.5 Km. The Rule 3(7) & 4 (1) of Kerala Forest (Regulation of Sawmills and other wood based industrial units) Rule, 2021 stipulates that no forest license can be granted to wood based industries stipulated within a radial distance of 5 Km from adjacent reserve forest. More over, the plywood unit which did not exist before 30.10.2002 cannot be considered for issuing forest license since it is situated within a radial distance of 5 km from adjoining reserve forest.

In the circumstances the argument of the petitioner does not merit favourable consideration. Accordingly, the Revision Petition (Exhibit P5) filed by Sri. Ranjith Rajan is rejected and the Judgment dated 22/5/2023 of the Hon'ble High Court in WP(C) of 15776/2023 is complied with.

(By order of the Governor)

T T SURESH
JOINT SECRETARY

The Advocate General, Kerala, Ernakulam (With covering letter)
Sri. Renjith Rajan, Renjith Bhavan, Triveni, Pachapalode, Perayam.P.O,
Thiruvananthapuram-695 562.

The Principal Accountant General (Audit) Kerala, Thiruvananthapuram.

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

The Principal Chief Conservator of Forests & Head of Forest Forces, Forest Head

Quarters, Vazhuthakkad, Thiruvananthapuram.

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

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For ~~Signed~~ By order

Asha S

Date: 15-10-2023 16:08:40

Section Officer

Copy to:- O/o Hon'ble Chief Minister/ O/o Hon'ble Minister (Forest & Wildlife
Department)/O/o Additional Chief Secretary (Forest & Wildlife Department).