

Prasanna Kumar E.G. vs the Additional Principal Chief Conservator of Forests

Prasanna Kumar E.G. vs the Additional Principal Chief Conservator of Forests

SooperKanoon Citation : sooperkanoon.com/1309172

Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/34510/2017

Appellant : Prasanna Kumar E.G.

Respondent : The Additional Principal Chief Conservator of Forests

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 WP(C)
NO. 34510 OF 2017 PETITIONER: PRASANNA KUMAR E.G.
S/O.GOPALAN NAIR,EDAMATTATHU
HOUSE,KUMARANALLUR.P.O,KOTTAYAM DISTRICT-686016. BY
ADVS. SRI.V.G.ARUN SRI.T.R.HARIKUMAR RESPONDENTS: 1 THE
ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS
FOREST HEAD
QUARTERS,VAZHUTHACAUD,THIRUVANANTHAPURAM- 695011.

2 THE DIVISIONAL FOREST OFFICER DIVISIONAL FOREST OFFICE,KOTTAYAM-686001. 3 THE FOREST RANGE OFFICER ERUMELY FOREST RANGE OFFICER,KOTTAYAM-686509. BY ADVS. SRI.SANDESH RAJA.K., SPL. G.P. (FOREST) SRI.SANDESH RAJA.K. SPL. G.P. FOREST THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN,J.

----- Dated this the 31st day of May,
2024

JUDGMENT

This writ petition is filed with the following prayers:- i) to issue a writ of certiorari calling for the records leading to the issuance of Exhibit-P14 notice and quash the same; ii) to issue a writ of mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to consider Ext-P12 application within a time limit fixed by this Hon'ble Court; iii) to grant such other relief's as this Honourable Court may deem fit in the circumstances of this case. (SIC)

2. When this writ petition came up for consideration on 30.10.2017, this Court passed the following order:-

Admit. Learned Special Government Pleader (Forest) takes notice for the respondents. The petitioner need not be asked to remove the machinery installed, but however, the petitioner shall not carry out any operations using the machinery.

3. The petitioner submitted Ext.P12 application for

enhancement the capacity of saw mill. The same is directed to be considered by this Court as per Ext.P13 judgment. Consequently, Ext.P14 notice is issued by the Divisional Forest Officer, Kottayam to stop the functioning of saw mill. In such circumstances, I am of the considered opinion that when this Court directed to consider Ext.P12, it is not proper on part of the Divisional Forest Officer to issue

an order like Ext.P14. Therefore, according to me, Ext.P14 can be set aside and there can be a direction to consider Ext.P12 with notice to the petitioner. Therefore, this writ petition is disposed of with the following directions:- 1) Ext.P14 is set aside. 2) The 2nd respondent is directed to consider Ext.P12 application, after giving an opportunity of hearing to the petitioner, as expeditiously as possible, at any rate, within six weeks from the date of receipt of the representation. Sd/- P.V.KUNHIKRISHNAN JUDGE bng APPENDIX OF WP(C) 34510/2017 PETITIONER EXHIBITS EXHIBIT P1 A TRUE COPY OF THE LICENSE ISSUED BY THE KUMARANELLOOR GRAMA PANCHAYAT IN THE NAME OF PETITIONER'S FATHER DATED 21.12.1983 EXHIBIT P2 A TRUE COPY OF THE LICENCE DATED 06.06.2016 ISSUED BY THE KOTTAYAM MUNICIPALITY EXHIBIT P3 A TRUE COPY OF THE PERMIT ISSUED BY THE DEPARTMENT OF FACTORIES AND BOILERS DATED 22.10.2016 EXHIBIT P4 A TRUE COPY OF THE CONSENT TO OPERATE DATED 15.12.2015,ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD EXHIBIT P5 A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 11.11.2016 EXHIBIT P6 A TRUE COPY OF THE COMMUNICATION NO.E2831/16 DATED 17-10-2016 ISSUED BY THE 3RD RESPONDENT EXHIBIT P7 A TRUE COPY OF THE INTERIM ORDER DATED 21.12.2016 IN WP(C)NO.41099 OF 2016 EXHIBIT P8 A TRUE COPY OF THE JUDGMENT DATED 09.01.2017 IN WP(C)NO.41099 OF 2016 EXHIBIT P9 A TRUE COPY OF THE PROCEEDING NO.E4.16/2016 DATED 03.04.2017 ISSUED BY THE 2ND RESPONDENT EXHIBIT P10 A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 17-05-2017 EXHIBIT P11 A TRUE COPY OF THE PROCEEDING NO.E4.16/2016 DATED 23-05-2017 OF THE 2ND RESPONDENT EXHIBIT P12 A TRUE COPY OF THE APPLICATION DATED 30.12.2016,FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT EXHIBIT P13 A TRUE COPY OF THE JUDGMENT DATED 17.08.2017 IN WP(C)NO.23136 OF 2017 EXHIBIT P14 A TRUE COPY OF THE NOTICE NO.E4-16/2016 DATED 19.10.2017.