

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ANTONY DOMINIC  
&  
THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 15TH DAY OF FEBRUARY 2018 / 26TH MAGHA, 1939

WA.No. 328 of 2018 IN WPC. 24224/2012  
AGAINST THE JUDGMENT IN WA 24224/2012 of HIGH COURT OF KERALA DATED  
27-11-2017

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APPELLANT(S)/PETITIONER

K.KUTTAN NAIR,  
AGED 79,S/O.LATE ACHUTHAN NAIR,PROPRIETOR,"ANUGRAHA  
TIMBER PRODUCTS",GANDHI  
ROAD,MEZHATHUR.P.O,OTTAPALAM,PALAKKAD DISTRICT-679534.

BY ADV.SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S)/RESPONDENTS

1. THE STATE OF KERALA  
REP.BY THE SECRETARY TO THE GOVERNMENT,DEPARTMENT OF  
FORESTS AND WILDLIFE,GOVERNMENT  
SECRETARIAT,THIRUVANANTHAPURAM-695001.
2. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS,  
THIRUVANANTHAPURAM-695001.
3. THE DIVISIONAL FOREST OFFICER,  
PALAKKAD-678001.
4. THE FOREST RANGE OFFICER,  
OTTAPALAM,PALAKKAD DISTRICT-679101.
5. CHIEF CONSERVATOR OF FORESTS,  
EASTERN CIRCLE,PALAKKAD, AND CUSTODIAN OF VESTED FORESTS,  
1ST FLOOR,ARANYA BHAVAN  
COMPLEX,OLAVAKODE,PALAKKAD-678002.

BY SPL. GOVERNMENT PLEADER SRI.SANDESH RAJA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15-02-2018,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ANTONY DOMINIC, C.J.**  
**&**  
**DAMA SESHADRI NAIDU, J.**

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W. A. No.328 of 2018  
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Dated this the 15<sup>th</sup> day of February, 2018

**JUDGMENT**

**Antony Dominic, C.J.**

The appellant is the petitioner in W.P.(C) No.24224 of 2012. The said writ petition was filed seeking a declaration that his Industrial Unit which uses only dismantled old joinery as raw materials is not covered by the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012, (for short, "the Rules"). He also sought a direction requiring the respondents to refrain from compelling the petitioner to take licence under the Rules. The writ petition having been dismissed, this appeal is filed.

2. We heard the learned counsel appearing for the appellant and the learned Government Pleader appearing for the respondents.

3. The appellant is the owner of Anugraha Timber Products, a small scale industrial unit, which has obtained registration as such from the Department of Industries and Commerce, Government of Kerala.

4. In this appeal, the short question that arises for consideration is whether, the appellant is obliged to comply with the requirements of the Rules. The case of the appellant is that since he is using only joineries obtained on the demolition of old structures, his industry is not covered by the provisions of the Rules.

5. This contention raised by the appellant should be answered in the context of the provisions of the Rule itself. A reading of the provisions contained in the Rules show that, even if the factual contention that the appellant is using only joineries as raw materials is accepted, according to us, the appellant's industrial unit would be a wood-based industrial unit as defined in Rule 2(r) of the Rules, which reads as under:

“(r) 'wood based industrial unit' means any industrial unit which processes wood as its raw material and includes sawmills, furniture units, veneer units, plywood units, match wood units, particle board units and such other units.”

6. A reading of the Rule would show that any industrial unit which processes wood as its raw material and includes sawmills, furniture units, veneer units and such other units, are wood-based industrial units. Admittedly, the raw materials used by the appellant is wood, whether it is joineries or not, and the product of the appellant is furniture. Wood being the raw material used and furniture being the end product manufactured, the Unit of the appellant is a wood based industrial unit as defined in Rule 2(r). To such Unit, the provisions of the Rules are applicable as rightly held by the learned single Judge. We do not find any merit in this appeal.

7. Appeal fails and is accordingly dismissed.

8. Though it is the further contention of the appellant that he is not using round logs as found by the learned

single Judge, according to us, it is unnecessary to go into that controversy and therefore, we are not inclined to examine that contention.

Sd/-  
**ANTONY DOMINIC**  
**CHIEF JUSTICE**

Sd/-  
**DAMA SESHADRI NAIDU**  
**JUDGE**

kns/-

//TRUE COPY//

P.S. TO JUDGE