

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

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THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 1<sup>ST</sup> DAY OF SEPTEMBER 2021 / 10TH BHADRA, 1943

W.P.(C). NO. 14625 OF 2021

PETITIONER:

GEORGE VATTUKULAM,  
AGED 59 YEARS  
S/O. JOSEPH, VATTUKULAM HOUSE,  
RAMAVARMAPURAM P.O.,  
THRISSUR, PIN-680631.

BY ADVS. JOY GEORGE  
PRAICY JOSEPH  
VINO JOSE  
TANYA JOY

RESPONDENTS:

- 1 STATE OF KERALA,  
REPRESENTED BY THE CHIEF SECRETARY,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.
- 2 ADDL. CHIEF SECRETARY,  
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN-695001.
- 3 THE PRINCIPAL SECRETARY TO REVENUE,  
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN-695001.
- 4 SECRETARY TO GOVERNMENT,  
FOREST AND WILD LIFE DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN-695001.
- 5 PRINCIPAL CHIEF CONSERVATOR OF FOREST,  
HEAD FOREST FORCES, FOREST HEAD QUARTERS, VAZHUTHAKADU,  
THIRUVANANTHAPURAM, PIN-695014.

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- 6 ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FOREST (PROTECTION), FOREST HEAD QUARTERS, VAZHUTHAKADU, THIRUVANANTHAPURAM, PIN-695014.
- 7 CHIEF CONSERVATOR OF FOREST, NORTHERN DIVISION, KANNUR, PIN-673028.
- 8 PRINCIPAL CHIEF FOREST CONSERVATOR (FOREST MANAGEMENT), THIRUVANANTHAPURAM, PIN-695014.
- 9 DISTRICT FOREST OFFICER, SOUTH WAYANAD, PIN-670645.
- 10 THE DIRECTOR, CENTRAL BUREAU OF INVESTIGATION, NEW DELHI, PIN-110003.
- 11 THE ADDITIONAL DIRECTOR GENERAL OF POLICE (CRIME BRANCH), SPECIAL INVESTIGATION TEAM (NOW CONSTITUTED), THIRUVANANTHAPURAM, PIN-695024.
- 12 THE MINISTER FOR REVENUE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.
- 13 THE MINISTER FOR FOREST, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.

BY ADV. SHRI P.VIJAYAKUMAR, ASG OF INDIA  
R1 TO R9 BY SHRI K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL  
SHRI V. MANU, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.09.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

**S. Manikumar, CJ**

Instant Public Interest Litigation is filed for the following reliefs:

- (i) Issue a writ of mandamus, order or direction, directing the State Government to handover the investigation now conducted under the leadership of 11<sup>th</sup> respondent, viz., the Additional Director General of Police (Crime Branch), Special Investigation Team (now constituted), Thiruvananthapuram, to the Director, Central Bureau of Investigation, New Delhi, or any other agencies other than the 11<sup>th</sup> respondent that this Court deem just and proper.
- (ii) Issue a writ of mandamus, order or direction to conduct further investigation under the direction and supervision of this Court.

2. Facts leading to the filling of instant writ petition are that the petitioner is a known social worker and the State President of a Charitable Society by name "Malayalavedhi" with Reg. No. R-182/09. He is also the Chairman of Human Rights Co-ordination Committee comprising of five human rights organisations. He is engaged in various social activities, including fighting against corruption, exploitation of the working class, and also fought for social justice.

3. Petitioner has approached this Court challenging the authenticity, veracity and the real intention in issuing Exhibit-P1 G.O.(MS) No.261/2020/Rev. dated 24.10.2020, on the verge of Legislative Assembly election, permitting to cut and remove scheduled trees under the pretext of helping the agriculturists. He has highlighted the abuse of power for corruption by respondents 12 and 13 viz., the Ministers for Revenue and Forest, Government Secretariat, Thiruvananthapuram.

4. Petitioner has further stated that the State Government has already constituted a Special Investigation Team under the 11<sup>th</sup> respondent, to conduct an enquiry into the large scale felling of timber trees throughout the State, on the basis of Exhibit-P1 Government order dated 24.10.2020. According to the petitioner, predecessors of respondent Nos. 12 and 13 were in power at the time of issuance of Exhibit-P1 Government order.

5. Petitioner has further stated that in Exhibit-P1 order dated 24.10.2020, reference is made to another order of the revenue as No.U3/87/2019/Revenue dated 11.03.2020 (Exhibit-P2). The impugned order permitting to cut and remove scheduled timbers under the patta land normally cannot be possible, without the support of higher-ups. Further, the concerned Ministers have acknowledged the issuance of

Exhibit-P1 order and hence, left with no choice, respondent Nos.12 and 13 are arrayed as parties painstakingly and with hesitation.

6. Petitioner has further stated that constitution of the 11<sup>th</sup> respondent to enquire into the large scale felling of trees throughout the State is incompetent and incapable since Exhibit-P1 is not a mere executive order. According to the petitioner, the constitution of the 11<sup>th</sup> respondent is totally defective for various reasons, viz., lack of authority, limitation of enquiry to higher-ups, the limited sphere of investigation into the subject matter etc. In fact, the loss of crores of rupees to the public exchequer alone is not the issue, but the action of the greedy people, who have spoiled the ecosystem of nature detrimentally. Though, Exhibit-P1 order referred to only cutting of trees in patta land, petitioner has pointed out that large quantities of timbers are removed from vested forest and puramboke lands, from various parts of the State.

7. Petitioner has further stated that by Exhibit-P3 G.O.(Ms) No.30/2021/RD dated 'Nil', Exhibit-P1 order dated 24.10.2020 was cancelled. According to him, it is surprising to note that such an important order even does not bear any date, is only an eye wash to shut the mouth of the general public. Further, the crucial points, such as the real reason for issuance of Exhibit-P1 Government order, the intention behind this

etc., are not at all the subject matter of investigation by the 11<sup>th</sup> respondent.

8. Petitioner has further stated that a large number of trees have already been exported to various nations, outside the country and if that be so, the present Investigation Team is fully handicapped, to enquire into such matters.

9. Petitioner has further stated that the general public came to know about Exhibit-P1 Government order dated 24.10.2020 only when a Range Officer, Wayanad, rejected 14 numbers of applications for transporting trees from Wayanad to Ernakulam by using forged timber pass. Fourteen separate applications for the transport of timber under the jurisdiction of the Forest Officer, Meppady were submitted and all of them were rejected by the concerned officer. Exhibit-P4 is one of such order of rejection dated 30.01.2021. Similarly, 13 orders were issued. Subsequently, the interested parties approached the 7<sup>th</sup> respondent viz., the Chief Conservator of Forest, Northern Division, Kannur, against Exhibit-P4 order and similar orders. Respondent No.7, after conducting proper enquiry, rejected the applications for transportation of timber. The interested parties, in turn, have removed timber by using forged timber passes and the media brought all the facts to the general public, which lead to a

departmental enquiry.

10. Petitioner has further stated that the 9<sup>th</sup> respondent has succeeded in seizing the timbers from the mill. Though a certain portion of the timber cut and removed from Wayanad district was seized, large quantity of timber cut and removed from other districts is not at all found out and seized. Government have admitted that a large quantity of timber was cut and removed from various parts of the State. It is also an admitted fact that Exhibit-P1 order was later withdrawn.

11. Petitioner has further stated that though the concerned forest official rejected the transport permit of the trees felled down, as evident from Exhibit-P4, the tree cutters have managed to create false timber permit and to transport huge quantity of timber from Wayanad to Ernakulam, even without any inspection in the check post. Exhibit-P5 is the report dated 18.02.2021 of the 9<sup>th</sup> respondent and Exhibit-P7 is the report of the Chief Conservator of Forest dated 20.02.2020 about the large-scale felling of protected scheduled trees.

12. Grievance of the petitioner is that there is no meaning in conducting an enquiry under the leadership of the 11<sup>th</sup> respondent, since the said team is purely under the jurisdiction of the State Government. He alleged that now, the then Revenue Minister, who is a prominent leader of

the ruling party and presently an MLA from Kanhangad constituency, has openly declared that he is responsible for the issuance of the impugned order and would take all the responsibility of the alleged incidents. In support of the said statement, petitioner has produced the visuals exhibited in Asianet and Mathrubhumi TV as Exhibit-P8.

13. Since Exhibit-P1 order dated 24.10.2020 is issued with the knowledge of the Government and the subsequent enquiry about the aftermath of the same would definitely fetch and reach at the Minister's level and in that event, any enquiry under the leadership of the 11<sup>th</sup> respondent would not result in any purpose, the petitioner has filed the instant writ petition for the reliefs stated supra, for an enquiry by an independent agency under the guidance and supervision of this Court.

14. On the above pleadings, petitioner has, *inter alia*, contended that it is an undisputed fact that large scale timber were cut and removed from various parts of the State under the guise of Exhibit P1 order. It is also an admitted fact that none of the timbers were seized by any of the authorities other than the timber under the jurisdiction of respondent No.9. In the said scenario, an effective, and at the same time, emergent action is necessary to find out the remaining timbers from the various parts of the country before destroying the evidence. Petitioner has also



contended that a grave crime committed by the accused under the guise of a Government order is to be enquired into by an independent agency.

15. A detailed statement has been filed by the 11<sup>th</sup> respondent, the Additional Director General of Police (Crime Branch) stating that considering the seriousness, impact, and dimensions of the offence alleged, the Government have constituted a Special Investigation Team consisting of officers from Forest and Wildlife Department, Vigilance and Anti-corruption Bureau and Police Crime Branch. Relevant portion of the statement is extracted hereunder:

"8. Earlier, the State Police Chief, vide letter No. T5/86362/2021/PHQ dated 10.06.2021, has reported to the Government that invaluable natural resources like Rosewood trees etc., had been cut and stolen by some persons at some places in the State and that it was suspected to be an outcome of a conspiracy by some persons. The State Police Chief suggested that a detailed investigation is necessary to find out the truth of the same. Considering the seriousness, impact and dimensions of the offence, Government, vide Annexure-R11(d) G.O.(Rt) No. 1634/2021/Home dated 11.06.2021, have constituted a Special Investigation Team consisting of Officers from Forest and Wildlife Department, Vigilance and Anti-Corruption Bureau and Police Crime Branch. Additional Director General of Police (Crime Branch) was further directed to co-ordinate the investigation.

Permission was also granted to the respective Heads of Departments to select and nominate suitable officers with excellent back record to be part of the team.

9. The Additional Director General of Police, Crime Branch, Director of Vigilance and Anti-Corruption Bureau and the Head of Forest Force furnished a list of Officers for the Investigation Team to the Government. Subsequently, as per Annexure R11(e) G.O.(Rt) No. 1646/2021/HOME dated 14.06.2021, the Government constituted a Special Investigation Team comprising (1) Shri. V. Balakrishnan, Deputy Superintendent of Police, Vigilance and Anti-Corruption Bureau, Kasargod Unit, (2) Assistant Conservator of Forest, Forest Central Circle, Thrissur and (3) Deputy Superintendent of Police, SMS, Kasaragod, to investigate all the aspect of the incidents leading to the cutting and theft of the invaluable natural resources/properties like Rosewood Trees in Muttill, Wayanad District and the connected matters. It was also ordered that the investigation team will be expanded by co-opting suitable officers when needed. Further officers were co-opted to the investigation team as per Annexures R11(f) & R11(g) orders dated 15.06.2021 and 13.07.2021 of the 11<sup>th</sup> respondent.

10. In total, as on 18.07.2021, 296 OR cases have been registered in various Forest Ranges of the State in relation to tree felling incidents in the assigned lands. The details are tabulated hereunder:

Sl. No	Division / Range	No. of incidents	OR Booked incidents	Number of trees felled			Approximate value (Rs.)	Seizure (M <sup>3</sup> )		
				Teak	Rosewood	Total		Teak	Rosewood	Total
1	Kasargode	7	7	11	10	21	1790000	13.633	17.179	30.812
2	Kanhangad	6	6	14	2	16	275000	2.55	1.103	3.653
3	Meppady	48	48	0	107	107	33000000	0	213.447	213.447
4	Kalpetta	2	2	26	3	29	448475	5.03	4.465	9.495
5	Kuttiady	3	3	8	0	8	62000	0	0	0
6	Edavanna	1	1	13	0	13	160000	5.016	0	5.016
7	SulthanBathery	1	1	60	0	60	400000	18.631	0	18.631
8	Wadakkanchery	1	1	3	0	3	40000	0	0	0
9	Machad	35	35	39	8	47	16310000	31.863	1.72	33.583
10	Pattikkadu	20	20	30	5	35	3285790	66.056	0	66.056
11	Palapilly	4	4	23	0	23	335000	5.366	0	5.366
12	Vellikulangara	1	1	5	0	5	20000	0.937	0	0.937
13	Pariyaram	6	6	38	0	38	141580	6.165	0	6.165
14	Athirappilly	3	3	18	0	18	407000	0	0	0
15	Kothamangalam	14	14	46	0	46	435000	0	0	0
16	Mullaringad	42	0	11	0	11	3396062	0	0	0

				4		4				
17	Kaliyar	13	13	24	0	24	274500	0	0	0
18	Devikulam	2	0	5	0	5	254075	0.5	0	0.5
19	Adimali	71	7	32	17	49	20000000	217.956	22.641	240.597
20	Neriyamangalam	154	5	66	3	69	30371008	95.7102	0	95.7102
21	Marayoor	1	0	21	0	21	100000	0	0	0
22	Kanthalloor	1	0	6	0	6		0	0	0
23	Ayyappancoil	1	1	6	0	6	19500	1.419	0	1.419
24	Kumily	6	6	0	0	0	4818500	0	5.4998	5.4998
25	Erumeli	11	11	31	0	31	178681	5.689	0	5.689
26	Thattakkadu	40	34	16	5	21	0	0	0	0
27	Ranni	1	0	8	0	8	130965	0	0	0
28	Achencoil	19	0	48	0	48	618000	0	0	0
29	Pathanapuram	27	27	67	3	70	2229197	0.997	3.603	4.6
30	Anchal	16	16	26	1	27	890831	20.9777	2.0174	22.9951
31	Arienkavu	3	0	12	0	12	428594	0	0	0
32	Thenmala	3	1	9	1	10	161777	0	0	0
33	Kulathupuzha	7	7	22	2	24	852905	4.843	0	4.843
34	Palode	12	12	6	12	18	922764	4.315	10.817	15.132
35	Paruthippally	4	4	0	4	4	378784	0	1.582	1.582
	<b>Grand Total</b>	<b>586</b>	<b>296</b>	<b>2523</b>	<b>176</b>	<b>2699</b>	<b>123135988</b>	<b>507.654</b>	<b>284.074</b>	<b>791.728</b>

11. The said forest offences have been registered under provisions of Rules 3 and 4 of The Kerala Forest (Prohibition of Felling of Trees Standing on Land Temporarily or Permanently Assigned) Rules, 1995 and Section 52, 61(A), 69 and 82 of Kerala Forest Act, 1961. Mahazars have already been drawn in the remaining 405 incidents detected and process of booking OR in these incidents are going on. As on the date of consideration of the writ petition that resulted in Exhibit R11 (a) judgment, only 110 ORs were registered. That 186 ORs were further registered thereafter will make it clear that the investigation is proceeding in the right direction and at a fast pace, determined to book all culprits involved in the incident. Investigation is going on to find further incidents of felling of trees.

12. A total of 791.73 M<sup>3</sup> (507.66 M<sup>3</sup> Teak and 284.07 M<sup>3</sup> Rosewood) has been seized so far by the Forest Department in the above incidents. As revealed from Exhibit R11 (a) judgment, 600 cubic metres of timber were seized as on the date of consideration of the said case. That further substantial timber has been seized will clearly reveal that the investigation has made much headway and is on the right track.

13. As regards the contention of the writ petitioner in paragraphs 3 and 4 of the writ petition that trees have been cut from vested forest and patta lands, it is submitted that, in the transactions giving rise to the registration of the aforementioned cases, the felling of trees from patta land, forest land and poramboke land are being investigated. Exhibit P4 Order is an order denying permit for felling of trees. Exhibits P5 to P7 are interdepartmental communications, which may not be relevant

for deciding the lis that has arisen in this writ petition. The ongoing probe will also look into whether the omissions or commissions, if any, will attract the offences under the Prevention of Corruption Act.

14. All the forest cases are being closely monitored by the Special Investigation Team, under the leadership of Additional Director General of Police, Crime Branch. It is reported that 1612.121 M3 volume of teak trees and 327.584 M3 volume of rosewood trees amounting to an estimated value of Rs. 1441.75 lakhs were felled after 01.03.2020. Out of the same, 348.499 M3 of teak and 280.149 M3 of rosewood timber were recovered as on 25.06.2021, having an estimated value of 844.889 lakhs. After the formation of the Special Investigation Team, about 159 M3 of teak timber and 4 M3 of rosewood timber, together having an estimated value of Rs. 160 lakhs, have been recovered. All the remaining will be traced out and recovered during the course of investigation.

15. Based on the statement given by Sri.Sivadasan M.S., Tahsildar, Kalpetta, before SHO Meenangadi Police Station, Crime No. 281/2021 under section 379 read with 34 of the Penal Code has been registered in Meenangadi Police Station against 68 accused on 04/06/2021. The case is being investigated by the Inspector of Police, Meenangadi. Later, as revealed in the investigation, offences under Sections 420, IPC, 3(1) of PDPP Act 1984 and Sec 10 of KLC were incorporated.

16. Police have registered a total number of 10 cases at various Police Stations and the details are as under:

Sl. No.	Police Station	District	Crime Number
1	Viyyur	Thrissur City	451/2021
2	Wadakkancherry	Thrissur City	846/2021
3	Chelakkara	Thrissur City	568/2021
4	Meenangadi	Wayanad	281/2021
5	S. Bathery	Wayanad	391/2021
6	Meenangadi	Wayanad	319/2021
7	Meenangadi	Wayanad	400/2021
8	Meppadi	Wayanad	296/2021
9	Meppadi	Wayanad	297/2021
10	Adimaly	Idukki	786/2021

17. The Special Investigation Team is investigating all the above cases under the direct supervision of Additional Director General of Police, Crime Branch. Crime Branch has also registered a separate case as Crime No. 121/2021 under Sections 120B, 379 read with 120B and 34 of the Indian Penal Code, inter alia, in relation to criminal conspiracy regarding the illegal felling of trees. The investigation of the above case was entrusted to Superintendent of Police, Crime Branch Thrissur. He is conducting the investigation and the investigation is in progress.”

18. The 11<sup>th</sup> respondent has filed an additional statement on 27.07.2021 raising the following contentions:

“1. This additional statement is being filed by the eleventh respondent, in compliance of the Order dated 27.07.2021 of this Honourable Court in the captioned writ petition. This additional statement is being filed in continuation of statement dated 22.07.2021 filed by the eleventh respondent. The averments in this additional statement may be treated along with and in continuation of the averments in the statement dated 22.07.2021.

**As regards Crime Number 281 of 2021 of  
Meenangadi Police Station**

2. The above mentioned case was registered on the basis of a report of Shri Sivadasan M.S, Tahsildar, Land Records, Vythiri Taluk, submitted on 04.06.2021. The case was initially registered under Sections 379 read with 34 of the Indian Penal Code (the "IPC" for short). Later, offences under Sections 420, 468, 471, 212, 406, 409, 120(B) read with 34 1PC and Section 3(1) of Prevention of Destruction to Public Property Act as well as Section 10 of the Kerala Land Conservancy Act were incorporated.

3. The gist of the allegations, which led to the registration of the FIR, were to the effect that the trees that stood in the properties assigned to the 68 accused persons therein, and which belonged to the Government, were illegally cut and removed.

4. As a part of investigation, 114 witnesses were questioned/ examined and copies of land assignment pattas as well as other documents, including the purported applications for cutting of trees and certificates allegedly issued by the village authorities, were examined. Records pertaining to Occurrence Report (for short OR) registered by the Forest Department with regard to the aforementioned properties were also collected.

5. The investigation revealed that accused Nos. 63 and 64 (Josekutty Augustine and Anto Augustine), who were

owners in possession of assigned lands, along with their brother, the 69<sup>th</sup> accused (Roji Augustine), induced other land owner accused persons (1 to 62 and 65 to 68) to part with the trees, standing in their properties and reserved to the Government, as per the assignment patta, for meagre amounts in very many cases. In the said circumstances, Shri Roji Augustine was added as the 69<sup>th</sup> accused.

6. The bank account of the said accused persons as well as their call data records were verified by the investigation team. Abdul Nazar and Abu Backer, who helped in the transportation of the illegally felled trees, were arrayed as accused numbers 70 and 71. The said accused numbers 70 and 71 were arrested on 28.07.2021. The accused numbers 63, 64 and 69 as well as the accused number 72 (who facilitated the escape of accused numbers 63, 64 and 69) were also arrested on 28.07.2021. All the accused have been remanded to custody.

7. Many of the other accused in the case are all small time property holders, who were induced by the accused numbers 63, 64 and 69. Further, 12 of such other accused persons belong to Scheduled Tribes. The District Collector forwarded a complaint to the District Police Chief, requiring registration of cases in terms of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act [for short SC/ST(POA) Act] insofar as members of the Scheduled Tribes were induced



to part with trees standing in their property. Since the aforementioned members of the Scheduled Tribes are also arrayed as accused, so far no offence in terms of the provisions of the SC/ST (POA) Act has been added. However, investigation is also proceeding in the said aspect also. The officers who officiated as the Village Officer and Special Village Officer of Muttill South Village at the relevant point of time have also been found, in the investigation, to be involved in the case.

**As regards the Occurrence Reports registered by the Forest Department.**

8. It is submitted that 570 occurrence reports have been registered in the Forest Department. A tabular column pertaining to the details of the occurrence reports registered in relation to incidents of illegal felling of trees in the State is produced and marked as Annexure-R11(h).

9. As revealed from the aforementioned tabular column, it is clear that the offences alleged, inter alia, are under the provisions of the Kerala Forest Act, 1961, Kerala Forest (Preservation, Reproduction and Disposal of Trees and Timber belonging to Government, but Grown on Land in the Occupation of Private Persons) Rules, 1975, and the Kerala Forest (Prohibition of Felling & Removal of Trees Standing on Land Temporarily or Permanently Assigned) Rules, 1995. Many of the accused persons are owners of single parcels of assigned lands, who were induced by others for felling of trees in such assigned lands. Many of them belong to poorer sections of the society. Insofar as

bailable offences are attracted to persons arrayed as the accused in occurrence reports registered by the Forest Department, as of now, many of them were arrested and enlarged on bail. A Tabular column pertaining to the details of persons arrested, upto 31.07.2021, in relation to Occurrence Reports registered by Forest Department is produced herewith and marked as Annexure R11(i).

**As regards Crime 121/2021 of Crime Branch Police Station, Thiruvananthapuram**

10. It is submitted that Crime No. 121/2021, under Sections 120(B) and 379 read with Section 34 of the IPC on the file of Crime Branch Police Station, Thiruvananthapuram, was registered mainly to unearth the Statewide criminal conspiracy, if any, behind the large scale illegal felling of trees in the State. The case is being investigated by the Superintendent of Police, Crime Branch, Thrissur.

11. In connection with the investigation In Crime No. 121 of 2021, the following actions have been undertaken / initiated:

(i) Letters, requesting for the details of specified trees cut and removed etc. in the assigned lands, were given to the District Collectors of Thrissur, Kasargod, Kollam, Kozhikode, Idukki, Malappuram, Wayanad and Ernakulam Districts and Land Revenue Commissioner on 10.07.2021. Replies are awaited.

(ii) Roji Augustine, the accused in Crime No.281/2021 of Meenangadi Police Station, is having three bank accounts. Account statements were taken from the banks and the same are under scrutiny. Likewise, Shameer, the 2<sup>nd</sup> accused in Crime No. 568/2021 of Chelakkara Police Station, is having SB accounts in South Indian Bank Chelakkara. Account statements have been collected and the same are under scrutiny.

(iii) The file maintained in the Revenue Department, in connection with the felling of trees from the assigned lands, (File No. Rev.U3/187/2019) was seized and the same is being verified.

(iv) Notices under Section 41-A of the Code of Criminal Procedure have been issued to the following accused, who were arrested and released on bail in multiple OR cases of Forest Department. [(a). Yohanan K.M., 63 years, S/o Markose, Kumbalampuzhayil Veedu, Kaliyar Road PO, Pangarappilly Village, Thrissur District (OR Nos.03/21, 20/21 of Machad Forest Range) (b) Hamsa, Aged 43, S/o. Sulaiman, Kuunathupeedikayil Veedu, Pulakkode Village Chellakkara Thrissur Dist. (OR 6/21 of Machad Forest Range) (c) Joy, Aged 65 years, S/o.Mathai, Malayikalapurakkal Veedu, Chettikkad, Madakkathara Village-(OR 03/21,06/21, 07/21/20/21 of Pattikkad Forest range) (d) Shameer, Aged 45, S/o. Kunjuppa, Karuvetijalil Veedu, Kaliyar Road, Pangarappilly Village, Thalappilly Taluk-(OR 05/21, 08/21, 09/21, 12/21, 13/21, 14/21, 16/21 of Machad Forest Range) (e) Assek K.H.,

32/21, S/o. Hams, Assariparambil Veedu, Engakkad Village, Thrissur District (OR 11/21, 17/21 of Machad Forest Range)].

(e) Call data records of four accused of various connected crimes for the last one year were collected and are being scrutinized. Call data records of 15 other important witnesses for the last one year have been collected and are also being scrutinized with the help of Cyber experts. Detailed Statements of 23 important witnesses were recorded.

**As regards the arrest of the accused persons**

12. It is submitted that Shri Roji Augustine, one among the kingpins of illegal tree Selling in the State, had approached this Honourable Court, seeking relief in terms of Section 438 of the Code of Criminal Procedure, by way of Bail Application No. 2109 of 2021. An interim order was passed in the same by this Honourable Court on 08.04.2021 in his favour in relation to OR No. 1 of 2021 of Meppadi Forest Range. He, as well as two others (Josekutty Augustine and Anto Augustine) also filed Bail Application No. 4823 of 2021 in relation to OR No. 41 of 2021 of Meppadi Forest Range. The Bail Applications were dismissed as per Order dated 26.07.2021. It is most humbly submitted that they (Roji Augustine, Josekutty Augustine and Anto Augustine) were not arrested only due to the pendency of the aforementioned anticipatory bail applications. They were put under surveillance to

prevent them from evading arrest and were arrested in Crime Number 281 of 2021 of Meenangadi Police Station, as stated above, on 28.07.2011, within two days of the dismissal of the aforementioned bail applications. They have been given in custody to the Police today (03.08.2021) by the Learned Jurisdictional Magistrate.

13. It is submitted that substantial numbers of accused persons in the various ORs registered by the Forest Department are farmers and landholders, including members of scheduled tribes, who were duped to part with the trees in their properties. As of now, as per the investigation conducted so far, only bailable offences are revealed against such persons, insofar as their complicity in the illegal felling of trees is concerned. The details of arrests of such persons, as on 31.07.2021, have been provided in the tabular column marked as Annexure-R11 (i).

14. In so far as persons accused in multiple ORs are concerned, they as stated above, have been issued notices under Section 41 A of the Code of Criminal Procedure, 1973 and one such person, Shameer aged 41 years, S/o. Kunjappa, Kuruvettijalil House, Kaliyar Road Desam, Pangarappilly Village, Thalappilly Taluk, Thrissur, was arrested on 02.08.2021. He is the second accused in Crime No. 568/2021 of Chelakkara Police Station of Thrissur District registered under Sections 120 B, 379 and 34 IPC and altered to Section 406 read with Section 34 IPC and Section 3 (2) (e) of PDPP Act. He has been

involved in 7 OR's (05/21, 08/21, 09/21, 12/21, 13/21, 14/21, 16/21 of Machad Forest Range)

15. As stated above, Abdul Nasar and Abu Backer, accused 70 and 71 in Crime Number 281 of 22 Station, were arrested on 28.07.2021. The accused number 72 (who facilitated the escape of accused numbers 63, 64 and 69) was also arrested on 28.07.2021.

16. It is further contended that the investigation is being conducted properly, without any lethargic approach or room for any suspicion and that each and every aspect of the case would be thoroughly probed."

17. When the matter came up for hearing on 4.8.2021, Mr. Joy George, learned counsel for the petitioner, submitted that there is a contradiction between the earlier statement of the 11<sup>th</sup> respondent dated 21.07.2021 and the additional statement dated 3.8.2021, in regard to the details of the trees cut and removed. According to the learned counsel, though a contention in the earlier statement was made that the investigation is being done in respect of illegal felling of trees in all the areas, including puramboke, patta lands etc., additional statement is confined only to the details of the specified trees (existing, cut and removed) in the assigned lands, and not other lands, which are covered in the earlier statement.

18. Learned counsel for the petitioner further submitted that 90% of the cases registered and tabulated relate to minor offences and that no IPC offence has been included for proper investigation. In that backdrop, learned counsel for the petitioner submitted that the investigation conducted is not proper. Hence, we permitted him to file a reply affidavit. In the reply affidavit, petitioner has contended that with respect to the averment that a major portion of the trees felled down were transported outside the State, and even to foreign countries, both the statements filed by the 11<sup>th</sup> respondent are silent over the issue.

19. Further, the statement is silent over the issue of felling of trees in puramboke lands and vested forest. Even the letter dated 10.07.2021 mentioned in the additional statement speaks only about the cutting of trees in the assigned lands. The statement is also silent over the issue of the accused persons after arrest. Though this Court specifically solicited to explain, as to why arrests have not been made against the alleged perpetrators, no satisfactory explanation is furnished by the 11<sup>th</sup> respondent in the additional statement. Further, though Crime No.121/21 is registered for an enquiry report about the conspirators, the Investigating Officer is simply sitting over the issue, without any further proceedings. Petitioner has also contended that the explanation given by

the 11<sup>th</sup> respondent for non-execution of arrest that the accused persons are farmers and persons from SC/ST also cannot be swallowed, without a pinch of salt.

20. Petitioner has further contended that though the Government have admitted the serious nature of the offences committed, out of 570 cases reported, only in 6 cases, major sections have been incorporated. All the other cases are registered with petty offences and the Special Investigation Team, though constituted on 10.06.2021, has not proceeded further to show anything, in their attempt, which alone shows their lethargicness in the investigation, warranting interference of this Court.

21. Heard Mr. Joy George, learned counsel for the petitioner, as well as Mr. K. Gopalakrishna Kurup, learned Advocate General, and perused the material available on record.

22. English translation of Exhibit-P1 G.O.(Ms) No.261/2020/Rev dated 24.10.2020 issued by the Principal Secretary, State of Kerala, Thiruvananthapuram, is extracted hereunder:

File No. REV-U3/187/2019- REV

"Official Language - Regional Language"

Government of Kerala

Abstract

Issuing an order giving instructions relating to cutting down the reserved trees (except sandalwood) in the lease



land as per Kerala Land Assignment Rules, 1964.

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Department of Revenue (U)

G.O.(Ms).No.261/2020/Rev.

Thiruvananthapuram Date: 24.10.20

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Ref: 1. As per S.U(P) No. 60/2017/key. dated  
17.08.2017.

2. As per Circular - Rev. U3/187/2019 dated  
11.03.2020.

**ORDER**

As per Ref (1) an order has been issued, giving the right to the farmers to cut down trees which were planted by the farmers and naturally grown on the land allotted under the Kerala Land Assignment Rules, 1964.

2. As a result of various confusions and ambiguities in the matter, a direction has been issued suggesting that the ownership of all the trees planted by the farmers in the lease land except sandalwood were vested with "Pattadhars" as per Ref (2) dated 11.03.2020, and that the provisions in the old lease form need not be considered from 17.08.17 onwards since on that day, the amendment took place as per Ref (1).

3. The Government examined the matter in detail as it was noted that confusion is still existing. Rule 10(3) (a) of Kerala Land Assignment Rules, 1964 stipulates that the landlord must pay the price of certain trees on the land at the time of acquisition. As per the relevant portion of Clause (b), it was stated that, before the land was allotted, if the said land belongs to the person to whom the land was allotted or his predecessors need not pay the price of certain trees which was as stated in Part A of the Appendix III in the Rules.

4. Section 22 of Kerala Preservation of Trees Act, 1986 stipulates that to cut down the trees from the land at the time of allotment by the Government after its enactment, requires the permission of the officer in charge. Therefore,

the farmers need not seek permission to cut down the trees which they have planted and naturally grown on the land in which they got assignment as per Section 22 of Kerala Preservation of Trees Act, 1986.

5. In Section 3 of the Promotion of Trees Growth Act, 2005, it is stipulated that the owner should plant the trees on the non-forest land. Section 6 of the act states that whatever be the contents of other acts, the right to cut down the trees on the non-forest land vested with the farmers except the sandalwood.

6. In the above circumstances, it is clarified that under the existing rules and regulations, all the trees except sandalwood, the trees which are planted by the farmers and the trees naturally grown on the land allotted under the rules of 1994 belongs to the farmers and they can cut down such trees and no special permission is required for it. Serious action will be taken against such officials who passed the orders of obstruction to cut down such trees or directly make obstruction by considering it as a serious misconduct.

(As per Government Order)  
Dr. A. Jayathilak, IAS  
Principal Secretary"

23. English translation of Exhibit-P2 order dated 11.03.2020 issued by the Principal Secretary, Department of Revenue, Government of Kerala, Thiruvananthapuram, is extracted hereunder:

"Government of Kerala  
Department of Revenue (U)

No. U3/187/2019/Revenue      Department of Revenue (U)  
Thiruvananthapuram  
Date: 11.03.2020

**CIRCULAR**

Sub:- Department of Revenue - Relating to Direction for clarification on cutting down of reserved trees planted

by the farmers -and trees which are spontaneously grown on the lease land.

As per G.O (P) No. 60/2017/Rev. dated 17.08.2017, SRO No. 621/17 permission was granted to "Pattadhars" to cut down the trees from the lease land which are planted by the farmers and spontaneously grown except the sandalwood. However, the department noted that since there are lot of ambiguities regarding cutting of trees in various parts of the State and in many places, the "Pattadhars" are not in a position to cut down the trees. In addition to this a number of applications received seeking permission to cut down the reserved trees including the teak planted by the farmers on the lease land provided under the Kerala Land Registration Rules. The Hon'ble Minister of Revenue had convened several meetings in the presence of the Hon'ble Minister of Forests with the officials of the Revenue and Forest Departments on this subject.

Accordingly, it was decided at the meeting that clarification should be given to all District Collectors to resolve the ambiguities in the matter.

As per the notification of SRO No.621/17 issued by amending the terms of the lease, it is clearly stated that the ownership of all trees retained on the lease land except the sandalwood vested with the "Pattadhars" since the SRO No. 621/2017 is existing onwards 17.08.17, the provisions in the old form need not to be considered from that date.

Dr. Venu V.  
Principal Secretary"

24. English translation of Exhibit-P3 order, G.O.(Ms.) No.30/2021/RD dated 'Nil' issued by the Principal Secretary, Department of Revenue, Government of Kerala, Thiruvananthapuram, repealing the above order and the circular is extracted hereunder:

"File No.REV-U3/187/2019-REV

G.O.(Ms) No.30/2021/RD

"Official Language - Regional Language"

Government of Kerala

Abstract

Issuing an order by repealing the circular and Government order that gives instructions relating to cutting down the reserved trees except sandalwood in the lease land as per Kerala Land Assignment Rules, 1964.

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Department of Revenue (U)

G.O.(Ms.) No. /2021/Rev.

Thiruvananthapuram#Approved Date#  
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Ref: 1. As per Circular-Rev. U3/187/2019 dated 11.03.20.

2. As per G.O(KI)/261/2020 Rev. dated 24.10.2020.

**ORDER**

A circular- Ref (1) has been issued stating that as per the notification of SRO No.621/17 which was issued by amending the terms of the lease, it is clearly stated that the ownership of all trees retained on the lease land except the sandalwood vested with the "Pattadhars" since the SRO No. 621/2017 is existing onwards 17.08.17, the provisions in the old lease form need not be considered from that date.

2. Ref (2) order has been issued stating that in the land allotted as per the Kerala Land Assignment Rules, 1964, only farmers have the right over the trees, except sandalwood, which were planted, naturally grown, and reserved, by paying the price at the time of granting lease for the land, and to cut down such trees, no special permission is required for it

3. Since cases were pending before the Hon'ble High Court questioning the above said circular and order which was issued relating to the cutting down of trees on

the lease land and although the terms and conditions of the scheduled trees on the lease land under the Land Assignment Rules, 1964 are not included in the lease form after 17.08.17 and also the definition for "Trees" in The Kerala Preservation. of Trees Act, 1986 and the definition for "Specified Tree" in The Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005 was different from the objectives and the definitions stated in Land Assignment Rules, 1964 and it is also come to the notice of the Government that as they received complaint regarding the cutting down of trees falsely interpreting the order as per Ref (2) and moreover the cutting down of the trees on the land provided and its conditions should be regulated by the Land Assignment Rules of 1964, so an order has been issued by repealing the Ref (1) circular and Ref (2) Government order that giving instructions relating to cutting down the reserved trees except sandalwood in the lease land as per Kerala Land Assignment Rules, 1964.

(As per Government Order)  
Dr. A. Jayathilak, IAS  
Principal Secretary"

25. Exhibit-P4 order dated 30.01.2021 rejecting the transport permit is extracted hereunder:

"PROCEEDINGS ORDER OF RANGE FOREST OFFICER  
MEPPADI

Present: Sameer M K

Sub:- Regarding the issuance of transportation pass for timber collection by cutting from the holding land.

Ref:- Application of Mrs. Radha, Chekkottu House, Vazhavatta- dated 23.12.2020.

**Order No. A2 626/2020 dated 30.01.2021**

An application has been submitted to this office by Mrs. Radha seeking permission for transportation pass for 8 pieces of wood (1.891 cu.m) collected from two areas cut from timber trees which were standing in the land

having 0.2225 Hectre in Vythiri Taluk, Muttill South Village, Block No. 16, Re. Sy. No. 526/21 (Old Sy. No.633/1A1A1)

By examining the documents submitted along with the application by Mrs. Radha, it is understood that the 0.2225 Hectare land in Vythiri Taluk, Muttill South Village, Block No. 16, Re. Sy. No. 526/21 (Old Sy. No.633/ 1A 1 A 1) comes under the category of land which got an assignment from the Special Tahsildar of Land Assignment, Kalpetta, as No.3793/D. K/64 on 28.02,1970 as per Kerala Land Assignment Rules. While conducting the investigation it is revealed that at the time of assignment of such land as per the above stated rules, the royal trees like teak and timber were reserved to the Government. As per section 6 (1) of The Kerala Promotion of Tree growth in non-forest areas Act,2005 during the assignment of land, permission cannot be granted to cut down the trees which were reserved to the government. None of the documents presented by the applicant are sufficient to prove ownership of the trees. In addition, the applicant has not submitted the application in the prescribed form as per Rule 3 (i) of The Kerala Promotion of Tree growth in Non- forest Land Rules,2006 or did not produce the complete details. So, I, Sameer M K, Range Forest Officer, Meppadi passed an order by rejecting the application submitted as per reference.

Sameer M K  
Range Forest Officer  
Meppadi"

26. Exhibit-P5 report of the 9<sup>th</sup> respondent dated 18.02.2021 about the cutting of trees and press release is extracted hereunder:

"Conservator of Forests (I & E), Kozhikode

Sir,

Sub:- Regarding the matter that the Senior Superintendent of Divisional Office Wayanad, South forged the document along with the accused who was involved in the illegal cutting and transportation of timber woods.

Ref:- Letter No. 84/01/2021/CCF dated 09.02.2021 of the Chief Forest Conservator, Northern Circle .

Cordially inviting your attention to the above stated subject and reference. On 10.02.2021, an investigation has been conducted regarding the matter that the Divisional Senior Superintendent of South Wayand forging the document along with the accused, who involved in the illegal cutting and transportation of timber woods and also by detailed examination of the documents of the Meppadi Range, Wayanad Division and check post of Lakkidi Forest, under my leadership in the presence of staff of the Flying Squad Range of Nilambur, Kalpetta. As a part of my investigation, I went to the Meppadi Range Office of Wayanad Division, South on 10.02.2021 and examined the documents relating to the transaction of timber woods and it came to know that all the documents used for transporting timber woods from the district of Wayand to Malabar Timber Industries of Perumbavoor in Ernakulam District are forged and they were seized by the Forest Range Officer and other staffs of Meppadi, and a mahazar was prepared for it. On examination of the said mahazar, I came to know that the timber wood of Wayanad District has been illegally transported to the Malabar Industry which was functioning at Karimugal near Kakkanad in Ernakulam District and on the basis of this information, as per the direction of the Chief Forest Conservator of Northern Zone, on 07.02.2021, the Range Forest Officer and the staff reached there on 08.02.2021. As it is convinced that there were some ambiguities existing, regarding the transportation of 54 pieces of timber woods, transported in the vehicle bearing No. KL 19-2765, with the sign of ST in Pass IV, a written complaint was filed before the Northern Chief Forest Conservator, by the Proprietor of the Industry, one Mr. Aliyar M M, S/o Muhammed, Mangalathu Parambil House. Thereafter, when the Permit No. 285876 was examined, no seal was found in the Forum IV White Permit regarding the examination of the permit at the Lakkadi Check Post of the Department of Forest of Wayanad in Wayanad District. To conduct a thorough examination, the Deputy Range Forest Officer was directed through phone and as per which, investigation was conducted and information was received

that no such legal documents or stock registers, pass issued by Forest Department were not available, which is required for Permit No. 285876 in Forum IV Permit, as stated in the mahazar. The case was registered as 01/2021 by taking into custody 54 pieces of timber and the copy of the said mahazar was submitted as **Content-1.**

When it was found that One load of timber was transported illegally to Ernakulam District, in the name of property mark Registration Form 4 Pass of the Industry of Surya Timbers, an investigation team was constituted comprising of Assistant Wildlife Warden, Bathery, Elephant Squad Range Forest Officer, Deputy Range Forest Officer, Erulam, Deputy Range Forest Officer, Mundakai and a mahazar was prepared by Mr. P.B. Manoj Kumar, Deputy Range Forest Officer of Forest Station Mundakai, and on the basis of the examination conducted, a building of tiled roof and a crane were found near to it, and the said building was found closed. No woods were found in the yard and no notice board showing the address of the industry was also found. During the course of investigation, it was convinced that the said land was under the ownership of one Mr. Roji Augustine and when he was questioned in relation to the transportation of the timber woods, it was found that it was conducted by him. However, no documents or register relating to the said transportation was received while conducting the examination in his office, but he showed me duplicate and triplicate copies of the Forum IV Pass and when I demanded the originals of it, he hesitated to show me that. Therefore, it was stated in the mahazar that the timber woods were seized while transporting, by Mr. Roji Augustine, from the Government Forest and by cutting the timber woods from the forest and transporting in his Property Mark Registration Form IV Permit illegally. Copies of the above said documents are submitted as **Content-2.**

By collecting the statement of Mr. Shameer M.K, Meppadi Range Forest Officer in relation to the transportation of timber woods by forged documents, he stated that it was on 02.01.2021 he took the charge of Meppadi Range Office, as he was on leave upto 09.01.2021 in connection with some officials duties in



Shola National Park in which he was previously worked and when he joined the office after leave it came to his attention that 14 applications in relation to the cutting down and removal of timber woods at Vazhavatta in Muttill Village (S) were pending, without taking a decision on it. When I examined the files, I couldn't find the documents which were necessary to prove the ownership of those trees. While I conducted the examination of the land, it was found that the report submitted by the Section Forest Officer and the certificate submitted by the Village Officer were found to be incomplete and ambiguous. When I conducted an examination of the land, it was found that almost all the trees are of above the age of 60 years, and the timber trees standing on there were reserved at the time of granting the assignment as per the Land Assignment Rule, 1964. Thereafter, to take a decision in this matter, when I sought the legal advice of the Government Pleader of Kalpetta, I got the advice that the applications submitted on 29.01.2021 are not eligible to be considered. In the above circumstances I have directed to take legal action by forwarding the above application to the Village Officer, Muttill (S) and Section Forest Officer, Muttill, and by sending letters several times, a case was registered as O.R 3/2021 for cutting down the trees which were reserved to the Government and which were within the limits of the Vythiri Police Station in Natharnkuni in Thrikkaipetta Village and these woods were taken into the custody of the Government. The 14 application submitted for transporting the timber woods collected by cutting down of the trees standing at Vazhavatta in Muttill, South Village, an order has been passed on 30.01.2021 rejecting the above said application as it did 'not contain proper documents, in order to prove the ownership and also found that the said trees were reserved to the Government. It was informed to the parties through a Registered letter and the above said parties filed an appeal before the DFO, Wayanad (S) and no decision was taken in the above said matter yet. On receiving confidential information that one Mr. Roji Augustine has transported illegally the timber from Wayanad to the Surya Timbers Industry at Perumbavoor, a special team was organised as per the order of the Hon'ble Chief Forest Conservator on 07.02.2021 and as a member of that group I along with

other staffs went to Malabar Timber Industry and examined the pass used for transporting the said timber wood and in order to ensure the authenticity I examined the Surya Timber Industry under the leadership of Bathery Range Forest Officer, Mundakai Deputy Range Forest Officer, R R T Range Forest Officer but was not able to find out the documents and the registers that should have been kept in a industry, no boards or Government orders were exhibited before the industry and as per information received timber were seized from the Malabar Timber and a case was registered as O.R 01/21 incorporating Mr. Roji Augustine the proprietor of Surya Timbers and also made to cancel the Property Mark License by sending a letter to DM, Wayanad (S) on 08.02.2021. The copy of the said letter is submitted as **Content 3**.

During the investigation of Mr. Sameer M K, Range Forest Officer, Meppadi, it is found that the transportation of timbers conducted on the basis of the forum IV White Permit allotted to the Surya Timber as illegal a case was registered as O.R 01/2021 and for cancelling the above said Property Mark Registration and 10 Forum IV White Permit(285876- 285885) a letter No. A2.537/2020, dated 09.02.2021 sent to the Divisional Forest Officer, Wayanad. The copy of the said letter is submitted as **Content 4**.

As per the Order No. P.1079/2021 dated 07.02.2021, the Chief Forest Conservator of Northern Circle, Kannur, informed the Range Forest Officer through the phone on 08.02.2021 went to the place and prepared the mahazar by examining the Property Mark Registration and the documents which got the Surya Timbers at Vazhavatta, and by collecting the statement of Assistant Wildlife Warden, Bathery, the Elephant Squad Range Forest Officer, Deputy Range Forest Officer, Erulam, Deputy Range Forest Officer of Mundakai and the said officers while examining the yard, it was found that yard was empty and there was no sign mark was found of keeping the woods in it and the said office was not functioning and went to his house on the information that the documents are kept in the house of proprietor Mr. Roji Augustine, and while conducting the examination he showed me the documents like the order of the DFO Wayanad(S) granting the permission of Property Mark

Registration Form IV Permit, duplicate of the Forum IV Permit used for the transportation and the triplicate form. While examining these documents it was found that documents like Stock Register, Purchase Register and the documents relating to the sales were not available. It was also known that such documents are not kept there and when I demanded to hand over these documents for the examination of the documents relating to Property Mark he did not hand them over to me and; so there is a firm belief that these timber pieces were transported from the forest as stated. The copies of the said documents are submitted as Contents 5, 6,7 & 8.

While examining the file No. G2 7950/2020 in relation to the investigation in the office of Divisional Forest Office, Wayanad(S), it came to know that Mr. Roji Augustine, Pro. M/S Surya Timbers, Moongannani, Vazhavatta PO, Wayanad filed an application before the DFO, Wayanad(S) on 11.11.2020 for the registration of Property Mark and DFO granted the Property Mark registration on 25.11.2020 to the date of 31.03.2025, as per the order in G2 7950/2020 for 0.2024 Hectare land situating in Vythiri Taluk, Muttill South Village in Re.Sy. No. 572/5 in Re. Sy. Block No. 16 on the basis of the report submitted by Range Forest Officer, Meppadi on 18.11.2020 on the basis of letter No.A2 537/2020. The permission was granted to function the office building No. 10/60 situating in the above said land. The Property Mark was allotted under Kerala Forest Produce Transits Rule, 1975 by the expected turnover of 4000 cu.m woods by sale. It is also seen that 10 Empty Form IV Pass (285876-285885 to the period of 31.03.2021) also permitted along with the property mark. No sign of stock of wood found in the depot in the proceedings of Range Forest Officer, Meppadi, Wayand and the DFO South Wayanad while granting the permission for Forum IV. Therefore, it is understood that the permission was granted without the stock in the depot. Thereafter examining the files, it is seen that a letter dated 06.02.2021 send by the Proprietor of Surya Timbers, Vazhavatta, South Wayanad to the DFO, including the copies of the 285876 number forum IV, Purchase invoice and tax invoice. In it the signature of the DFO, South Wayanad seen as on date 09.02.2021 and the signature of

the Senior Superintendent as on 06.02.2021 marked in the Division Despatch seal and in the G2 Section, Distribute Register of South Wayanad, it is seen that the letter was received on 10.02.2021. While the statement of Senior Superintendent was taken in this matter he stated that some of the letters were directly brought to him demanding the signature as a receipt in the copy of the letter and he used to affix his signature in it like that. And on 09.02.2021 when one Mr. Anto Augustine demanding such signature receipt in the photocopy when he handed over to me the letter dated 06.02.2021 from the Surya Timbers along with duplicate copy of the Forum IV white permit and the related documents, by mistake I put my signature by marking in the signature receipt as 06.02.2021, and he only knew the seriousness when it was informed to him by the DFO, South Wayanad and Flying Squad DFO of Kozhikode and he also stated that he is retiring on 30.04.2021. From 01.02.2021 he went on leave but he was continuing in service in his responsibility in the work as the Junior Superintendent and HA became Covid + who were working along with him. So, he states that there are no willful latches on his part in the subject matter. The copies of the said documents are submitted as **Content 9**.

When the statement of the DFO, South Wayanad was taken in this matter, he stated that he put initials in the copy of the Property Mark Registration Form IV of Surya Timbers on 09.02.2021 from the office and from the postal cover, I found that it was received on 06.02.2021. I asked for an explanation to the Senior Superintendent and there is no willful laches in this matter from his part . The copy of the said document is submitted as **Content 10**.

The Range Forest Officer, Meppadi rejected 14 applications submitted seeking permission for transporting timber collected by cutting down from Vazhavatta in Muttill South Village as it does not contain sufficient documents to prove the ownership and the said woods were collected from the trees which were reserved to the Government and the DFO passed as order of rejection of the appeal filed by them in this matter on 12.02.2021. The copy of the said document is submitted as **Content 11**.

A show cause notice was sent to Mr. Roji Augustine, the proprietor of Surya Timber Industry, by the DFO, South Wayanad on 12.02.2021, since a case was registered against him as OR 01/2021 cancelling the Property Mark Registration of the said Industry. The copy of the said document is submitted as **Content 12**.

While taking the statement of Mrs. Shoba P S, Office Attendant of Divisional Forest Office of South Wayanad in relation to the matter stated above, she stated that she was present in the office on 09.02.2021 and it is true that she witnessed the presence of one person who was engaging in conversation by sitting in the cabin of Senior Superintendent in between 11 AM and 12 PM, she stated that she did not know that person and she entered the details from the postal cover of Surya Timbers at Vazhavatta in the register of G2 Section as per the direction of the Senior Superintendent in the absence of postal clerk. The copy of the said document is submitted as **Content 13**.

While taking the statement of one Mr. Mohanan K A, Section Clerk, Section G2 of Divisional Forest of South Wayanad in the above stated matter, he stated that he was present in the office on 09.02.2021 and saw the postal cover (Postal No. 1013) from the Surya Timbers Industry of Vazhavatta, which came in his section on 10.02.2021. But, no visitors came to his cabin in relation to this postal article on 09.02.2021 and he could not pay attention to that because of his office work and does not know if anybody visited the Senior Superintendent on 09.02.2021. The copy of the said document is submitted as **Content 14**.

While taking the statements of staff like Mr. Janardhana and Ansiya K K of Divisional Forest, South Wayanad, in the above stated matter, have stated that they were present in the office on 09.02.2021 and it is true that they saw a person engaged in a conversation in the cabin of Senior Superintendent at 11 AM. But we did not know who he was. The copy of the said document is submitted as **Contents 15 & 16**.

While examining the register of the check post of Lakkidi under the Wayanad division it is not registered that such vehicle with the timber passed through using the Forum IV: When Mr. Vinesh V S, Section Forest officer who was on duty .at that time was questioned he stated that it was on 02.02.2021 he entered duty and he was present in the check post duty an 03.02.2021 and 04.02.2021 but he did not see the vehicle bearing No. KL 19-2765 carrying the timber pass through the check post using the pass No. 285876 of Forum IV and the check post was situated on the National Highway of Kollegal-Kozhikode and there is no crossbar check post there to examine the vehicle by stopping there and did not come to his attention if any such vehicle passed through the said check post. The copy of the said documents submitted as **Content 17**.

### **FINDINGS**

In the mahazar (content 2) prepared by Mundakai Deputy Range Forest Officer while examining the Surya Timbers of Vazhavatta on 08.02.2021 stated that the Mr. Roji Augustine have possessing the duplicate and triplicate copy of the Forum IV Pass and when demanded the original copy of it he hesitated to provide it. It is for cancelling the mahazar prepared by the Department of Forest he submitted the duplicate of Forum IV Pass by forging the date as 06.02.2021 instead of putting the date 09.02.2021 and brought the receipt for it by putting initials in it. It is a punishable negligence carried on the part of Senior Superintendent by providing the receipt the date 06.02.2021 for the document produced on 09.02.2021. The mistake committed on the part of the Senior Superintendent was not a mere mistake, it was of threat or pressure from the other side. In the investigation it is understood that Roji Augustine the Proprietor of Surya Timbers gave pressure by going to the office. It is stated clearly in the statement of Assistant Wildlife Warden of Bathery, Elephant Squad Range Forest Officer, Deputy Range Forest Officer Irulam, Deputy Range Forest Officer, Mundakai and from the mahzar that the Surya Timber industry did not have the sufficient documents to get the Property Mark Registration for their industry. So, the officer made a mistake by simply providing the Property Mark Registration. And also, it came to know that it

happened because of the threat and outside pressure. It came to be understood that it was committed by the Surya Timbers Industry for obtaining the Property Mark registration and transported the woods reserved to the government by using the Forum IV Pass.

**Recommendation**

1. As Lakkadi Check Post which was situated on the border of Wayanad -Kozhikode Districts, it is necessary to increase the number of the staff as the existing staffs were insufficient for the efficient operation of the post.
2. There are many roads in the District which do not have the check post system at present. It is necessary to set up the check post here and will strengthen night inspection and vehicle inspection here.
3. It is necessary that the Forest Officer should examine the pass before transporting woods for which Forum IV pass was allotted and such directions may be provided to the Divisional Forest Officers.
4. Forum IV pass only can be allowed on stock basis for depots to which property Mark Registration was granted.
5. It is necessary to activate the continuance patrolling system and actions of the mobile squads. For this, it is seen that all the divisions in the Wayanad District have to be arranged on rotational basis with the aid of staff.

Yours faithfully,  
Divisional Forest Officer,  
Flying Squad Division, Kozhikode"

27. Exhibit-P6 enquiry report dated 17.02.2021 about the illegal cutting of trees is extracted hereunder:

"No.84/1/2021/CCF-NC

Dated: 17/02/2021

To,

The Additional Principal Chief Conservator of Forests (FLR),  
Kozhikode

Subject: Giving falsified press release with malafide intentions to harm the reputation of upright forest officials and reporting without authority by Shri N. T. Sajan, Conservator of Forests (Social Forestry), Kozhikode-Regarding

Sir,

Inviting your kind attention to the above subject, I am submitting the following facts for your kind perusal:

The Wayanad District has faced large scale felling of Rosewood trees from Revenue lands on the backdrop of the Government Order G.O(Rt.) No.261/2021/Revenue dated 24.10.2020 and the Circular No Rev.U3/187/2019 dated 10.03.2020. The Range Officer, Meppady Range had received 14 applications for permissions to transport the felled timber. On enquiry it was found that the applicant Roji Augustine, owner of Surya Timber, could not produce a proof for the status of the timber and the Range Officer wrote to the Tahsildar for confirming whether the timber had come from private land and not property of the Government. However, no reply was received and the Range Officer Mr. Sameer. M. K., who joined on 02.01.2021 went ahead and rejected all the applications as the status of timber (whether reserved or not) could not be ascertained. This outraged the applicant who is having stakes in Reporter Channel and connections with officials and politicians at higher levels. He and his allies started targeting the Range Officer, the DFO and their subordinate staff. He gave false accusations through media that the Range Officer was involved in illegal felling and transport of timber from forest land in Manikunnumala and that a road was cut through the forest land. The matter was verified through the DFO South Wayand who reported that there was cutting permission issued for rosewood trees from private land in Manikunnumala by the previous Range Officer and that the accusations were made on that The accusations on cutting of road was reported as baseless.

On the night of 03.02.2021, the applicant managed to transport about 13.3 cu.m. of rosewood out of Wayanad and sold it to Malabar Timber Industries, Karimugal. The news on illegal felling and smuggling of timber was publicized which made the owner of the Malabar Timber



Industries doubtful on the status of the timber he received from Mr. Roji Augustine. He approached the Forest Department on 07.02.2021 and gave his statements and also gave his willingness to hand over the timber to the Forest Department. Shri. Sameer M. K. Proceeded to Karimugal and seized the timber and booked an O.R. against the illegal transportation of timber and brought back the timber to Wayanad. Meanwhile, I constituted a special team comprising of Range Officer, Chedleth Range and Range Officer, Sultan Bathery to verify the source of timber from Surya Timber. They along with their staff went to the premises of Surya Timber and verified the documents. It was revealed that the stock register was blank, the triplicate copies of Form IV issued for the timber was with them and did not have any timber stock in the premises. When the officers tried to take a copy of the documents, Mr. Roji Augustine along with his two brothers rushed into their mansion grabbing the documents and shut themselves in, threatening to take action against the staff. Since, the accused were not co-operating, the team prepared a mahazar based on the evidence they saw.

On 09.02.2021, one of the accomplices of the accused came to the Office of the DFO South Wayanad and submitted a copy of the Form IV which was received by the Senior Superintendent on a back date (on 06.02.2021). A copy of the receipt date was also given to them. This Was a ploy to thwart the mahazar recorded by the officers. By getting a receipt on the Form IV copy on back date, they would prove that the mahazar recorded by the special investigation team was bogus. The staff had colluded with the accused in this case and I requested the CF (I & E) Kozhikode to conduct an investigation into the matter: The DFO Flying Squad Kozhikode along with his staff conducted an enquiry into the matter and the Senior Superintendent confessed that he was blackmailed by the accused and coerced to receive the statement on a back date. The. matter clearly shows that there was clear collusion from part of forest staff with the accused and the accused would stoop to any level to take their profit from illegal timber.

The Range Officer who was mentally and physically exhausted took leave from Office for 13 days (3 days

prefix and suffix-extra) from 15.02.2021 to 27.02.2021. Meanwhile, the CF & E) Kozhikode Shri J. Devaprasad had entered into leave from the evening of 12.02.2021 and handed over the charge to Shri N. T. Sajan IFS CF (Social Forestry) Kozhikode.

Shri N. T. Sajan IFS after assuming charge started enquiring into matters of allegations against Shri Sameer M. K. He called for the DFO Flying Squad Shri P. Dhanesh Kumar at 08.00 Am in the Office on 13.02.2021 which was a second Saturday and asked him to take action against Shri Sameer M.K since the officer was at Thrissur on urgent personal matters he conveyed his inability to do so and said that he would conduct a detailed enquiry later. He also informed that the case of felling and smuggling of Government owned rosewood trees from revenue lands of Wayanad was the major problem which has been entrusted by the PCCF (Vigilance) to investigate.

Shri N. T. Sajan IFS, as if propelled by some false propaganda, was unsatisfied and proceeded himself to Wayanad. He went to the sites along with known accomplices of the accused Shri Roji Augustine and also recorded statements from the accomplices. He wanted to prove that the land from which the cutting permissions were given was forest land and to frame Shri Sameer M. K. for an offense. His actions were clearly suggesting collusion with the timber mafia. He continued his investigations and seizure of files from the Range Office Meppadi on Sunday and Monday (14.02.2021 & 15.02.2021). Since, the Officer was purposefully trying to frame the investigating officer to help the timber mafia; the matter was brought to the notice of the PCCF (Vigilance) and PCCF & HoFF on 13.02.2021.

On 15.02.2021, Shri Srikanth C. S., the driver of Range Officer, Meppadi, who was a temporary staff, was approached by a group of three persons in a Scorpio vehicle. They proposed that if he gave false statements against Shri Sameer M. K., the Range Officer that he was involved in felling, loading and transport of timber from Manikunnumala, he would be rewarded handsomely. They also assured that he wouldn't lose his job as Shri Sajan, who was investigating the matter, was their accomplice

and he would ensure it. They further gave the offer that even if he lost the job they would give him a better one. The driver gave his statements on the incident which was recorded by the Range Officer, Meppadi (Copy enclosed). 'The collusion of Shri N. T. Sajan IFS with the timber mafia is evident from such acts.

On the morning of 16.02.2021, at around 10.00 am, Shri J. Devaprasad IFS joined back on duty as CF (I & E) Kozhikode after cutting short his leave by 1 (one) day. He assumed charge and informed his reporting officers as well as Shri N. T. Sajan IFS who was at Wayanad during the time. Instead of returning to his normal duties and handing over the investigation to Shri J. Devaprasad IFS, he continued his false allegations and went ahead with preparation of a report even before the investigations were over. He was in a hurry to file a report and give it to the media channels like Reporter Channel in which the accused Shri Roji Augustine has stakes. The whole idea was to showcase a situation where the Range Officer, DFO and Deputy Ranger who did their duties and stood by the law could be transferred out and they could get pliable officers in their place instead.

Shri N. T. Sajan IFS had not filed any report till Shri J. Devaprasad IFS took over charge. He did not hand over any documents or findings to the officer who replaced him. He gave statements and reports (which were not submitted) to the Reporter Channel (channel in which the accused Mr. Roji Augustine has stakes) and also to News 24 Channel in which the reporter was his close friend. The false and bogus news defamed the Forest Department and Officers like Shri P. Ranjith Kumar (DFO South Wayanad), Shri Sameer M. K. (Range Officer) and Shri Abhilash K. P. (Deputy Range Officer) when broadcasted in the morning of 17.02.2021. The dubious and malafide intentions of one officer has led to this indigestible situation and their intentions were to support the illegal timber mafia alone.

It is submitted that stringent disciplinary action may be initiated against Shri N. T. Sajan IFS CF (Social Forestry) Kozhikode who has given away a false report which was never filed in capacity of CF (I & E) Kozhikode, and flashed it to the media without setting permissions

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:-44:-

from the Government. It is also humbly requested that no punitive actions may be initiated against the staff, including Shri P. Ranjith Kumar (DFO South Wayanad), Shri Sameer M. K. (Range Officer) and Shri Abhilash K. P. (Deputy Range Officer, Vythiri Forest Station), without verifying the facts.

Chief Conservator of Forests  
Northern Circle.”

28. Exhibit-P7 report of the Chief Conservator of Forest about the felling of protected trees dated 20.02.2021 is extracted hereunder:

“No.P-1079/2021

Date: 20-02-2021

To

The Principal chief Forest Conservator,  
(Forest Management), Thiruvananthapuram.

Sir,

Sub:- Regarding the cutting down and transportation of reserved trees on the revenue assignment land.

- Ref:- 1. As per your letter No.Pro (8) 58519/2016 dated 16.02.2021.  
2. As per G.O. No.S.U(KI) 261/2020 Rev. dated 24.10.2020.

Cordially inviting your attention to the above said topic. The following details were submitted on behalf of you for your information regarding the extensive cutting down of trees which were reserved to the Government in various parts of the Wayanad District and from the reserved forest land behind the order stated as per Ref (2).

1. Regarding cutting down of the reserved trees on the lease land

The Range Forest officer, Meppadi received 14 applications from various private individuals for removing the timber trees which were cut down. The status of the land was

recorded in the certificate issued by the Revenue Department. But, it is not mentioned whether the said trees were reserved to the Government. In order to clarify this point, the Range Forest Officer has send 3 times the letters dated 30.12.2020, 29.01.2021 and 30.01.2021 to the Tahsildar, Vythiri, as he did not get any reply regarding this matter and also in the circumstances that he did not get details whether the said trees were reserved to the Government, the Range Forest Officer, Meppadi issued an order by rejecting all these 14 applications on 30.01.2021. (Annexure-1)

Thereafter, the Divisional Forest Officer, South Wayanad received an appeal on 03.02.2021 against the action taken by the Range Officer, Meppadi rejecting the 14 applications from the applicants. In order to take a decision on the said applications, the Divisional Forest Officer, sent a letter No. B1-4777/2020 dated 03.02.2021 to the Tahsildar, Vythiri and the Hon'ble District Collector demanded to provide the required information to know the location of the trees and ownership of the trees as mentioned in these 14 applications (Annexure-2). However, the Divisional Officer passed an order on 12.02.2021 dismissing all the 14 applications on the ground that he did not receive any report regarding the matter from the revenue officials and did not get a clarification whether these trees are reserved to the Government (Annexure-3).

The proprietor of Malabar Timer Industries situated at Karimugal, Ernakulam District informed through his Email that he got pieces of timber trees from Wayanad through Surya Timber Industries by their illegal transactions. (Annexure-4). A special team was organized to conduct the investigation of this matter (Annexure-5). On the basis of this information, the Range Forest Officer, Meppadi along with staff on 08.02.2021 has recovered 13.316 cu.m pieces of timber trees and returned to Wayanad on the basis of white permit granted to the Surya Timbers as per Forum No. 285876-IV from the industry of Malabar Timbers (Annexure-6). At the same time, the Range Forest Officer, Chethalayam, Batheri along with staffs when examined the Surya Timber Industry situated at Vazhavatta, Muttill Village, Wayanad found that said industry was not functioning properly and not able to trace

out reaching of the woods or transaction of it as they did not kept the Stock Register, Purchase Register and also of Sales register when they examined the said industry, so a mahazar was also prepared for it (Annexure-7). Thereafter, steps were taken to cancel the Property mark of the Surya Timbers for transporting timber woods by using Forum IV permit as it did not have a clear source.

Necessary steps were taken against the officers who put back date on the copy of the duplicate permit of Forum IV as shown by the proprietor Mr. Roji Augustine while conducting the inspection at Surya timbers on 08.02.2021.

The Divisional Forest Officer, Wayanad got information regarding illegal cutting down of 460 pieces (161.586 cu.m) of timber wood which was in the possession of 28 persons of Muttill, South Village, when he contacted the District Revenue Authorities. The Divisional Forest Officer has directed to take further proceedings after seizing the timber under Section 52 of the Forest Act and kept all these in a specified lot by transferring it into the Kuppadi Depot (Annexure-8). The Hon'ble Additional Principal Chief Forest Conservator (Forest, Land & Resources) convened a google meeting on 16.02.2021 for evaluating the current situations existing in Wayanad and thereby took appropriate decisions to take the government custody of cut down woods and strengthened the examination in the check post for preventing further cutting down of trees. (Annexure-9).

## 2. News regarding the illegal transportation of timber woods from the reserved forest at Thrikkaipetta

An application was submitted before the Range Forest Officer, Meppadi by Varikkamakal Elikutty on 16.03.2020 seeking permission to cut down and remove the timber trees standing on the Jenmam Land in Thrikkaipetta Village, Block No. 29, Re.Sy.678/5 (Old Sy. No.216/Part) situated within the limits of Meppadi Range, Vythiri Forest Station. (Annexure-10). The Range Forest Officer, Meppadi, granted permission as per Order No. AI D, 152/2020 dated 28.04.2020 to cut down the trees on the basis of the report of Tahsildar, Vythiri, as No.F1 724/20

dated 19.03.2020 and also of the direct examination conducted by him and also on boundary evaluation of the adjacent forest land by the Divisional Surveyor (Annexure-11).

A case is being investigated under the "Tree Growth Promotion Act" against the cutting down of 7 trees instead of 4 trees for which the Range Forest Officer had given permission. In addition to this case another case is being registered and investigated under the Kerala Forest Act for dragging the cut down trees through the forest at the distance of 350 M.

The report submitted by Mr. T. N Sajan, IFS, Vigilance Forest Conservator having the additional charge indicates that the land from which the timber trees were cut down is stated as Left Out vested forest. The 405 Hectare land is mentioned in Thrikkaipetta VFC as item No. 71 in Sy. No. 216, 217/2 in which the cultivation of coffee, pepper and coco was going on was set aside for assignment (Annexure-12).

The Additional Principal Chief Forest Conservator of Forest, (Land Resources) sent letter No. Pro-11436/15 dated 28.06.2019, wherein the officers of Divisional Forest have stated that the traders who have Property Mark Registration can allot Forum White Permit for their stock and no permission was necessary to cut down trees except sandalwood, in non-notified village according to Tree Breeding Promoted Law and also clarified that they can transport trees including Rosewood out of State as per Forum White Permit (Annexure-13). No time limit is fixed for the declaration as per this law. It is hereby stated that necessary amendments be made to the present situation prevailing in Wayanad.

Annexure 1-13 included.

Yours faithfully,  
Sd/

Chief Forest Conservator

Copy to:-

1. Principal Chief Forest Conservator Vigilance
2. Additional Principal Chief Forest Conservator (F L R)

29. Details of arrests recorded on 09/06/2021 in OR cases of the Forest Department are extracted hereunder:

**DETAILS OF ARRESTS ON 09/06/2021 IN OR CASES OF FOREST DEPARTMENT**

Sl. No.	Range	Name of person arrested	Officer	OR No.
1	Pattikkad	John Rafi	Arun V S, Dy RO Pattikkad	OR 02/2021 Pattikkad FS
2		Sunny	Arun V S, Dy RO Pattikkad	OR 02/2021 Pattikkad FS

**DETAILS OF ARRESTS ON 29/07/2021**

Sl. No.	Range	Name of person arrested	Officer	OR No.
3	Kasargod	Abdul Nazar P.S	Rameshan K.N., SFO, Parappa	OR 04/2021, OR 05/2021, OR 06/2021, OR 07/2021, OR 10/2021
4		Siju George	Rameshan K.N., SFO, Parappa	OR 04/2021, OR 05/2021, OR 06/2021, OR 07/2021, OR 10/2021
5		Stephan	Nizar M SFO	OR 46/2021
6		Hamsakutty	Nizar M, SFO	OR 46/2021
7		Manoj	Mohandas SFO	OR 37/2021
8		Thankachan	Nizar M, SFO	OR 33/2021
9		Suresh	Nizar M, SFO	OR 33/2021
10		Issac	Shahjehan, Dy RO Elanad	OR 20/2021 Elanad FS
11		Yohannan	Shahjehan, Dy RO Elanad	OR 20/2021 Elanad FS
12		Abdul Rahman	Shahjehan, Dy RO Elanad	OR 16/2021 Elanad FS
13		Buhari	Shahjehan, Dy RO Elanad	OR 11/2021 Elanad FS



14		Nasser	Shahjehan, Dy RO Elanad	OR 06/2021 Elanad FS
15		Ashique	Shahjehan, Dy RO Elanad	OR 11/2021 Elanad FS
16		K.S. Narayanan	Shajeev, Dy RO Vazhani	OR 07/2021 Vazhani FS
17		Kurian	Shajeev, Dy RO Vazhani	OR 01/2021 Vazhani FS
18		Vinod K. K.	Shajeev, Dy RO Vazhani	OR 11/2021 Vazhani FS
19	Pattikkad	Libin	Arun V S, Dy RO, Pattikkad	OR 02/2021 Pattikkad FS
20		George	Arun V S, Dy RO, Pattikkad	OR 02/2021 Old Ponganamkadu FS
21		Mathew	Arun V S, Dy RO, Pattikkad	OR 02/2021 Old Ponganamkadu FS
22		Markose	Arun V S, Dy RO, Pattikkad	OR 10/2021 Pattikkad FS
23		Joy	Arun V S, Dy RO, Pattikkad	OR 3/2021, 06/2021, 07/2021 Pattikkad FS
24	Pariyaram	Kesavan	Mathew T S, RO Pariyaram	OR 1/2021, Chaippankuzhy FS
25		Gopi	Mathew T S, RO Pariyaram	OR 1/2021, Chaippankuzhy FS
26		Pauly	Mathew T S, RO Pariyaram	OR 2/2021, Chaippankuzhy FS
27	Adimali	Sajan K C	Abubacker Siddique SFO	OR 20/2021 OR 21/2021
28		Sanal O S	Santhosh P.K., SFO	OR 22/2021 OR 23/2021 OR 28/2021 OR 29/2021

29	Erumeli	Jesus Jacob	Jayakumar, RO Erumeli	OR 05/2021 Vandanpathal FS
30		Ashraf	Jayakumar, RO Erumeli	OR 14/2021 Vandanpathal FS
31	Pathanapuram	K. Shishupalan	V.S. Suhaib, Dy RO Ambanar	OR 02/2021 OR 10/2021 OR 11/2021 Ambanar FS OR 20/2021 OR 20/2021 OR 20/2021 Punnala FS
32			Alikutty	A Nizam, Dy RO Punnala
33		Abdul Latheef	A Nizam, Dy RO Punnala	OR 18/2021 OR 19/2021 OR 26/2021 Punnala FS
34	Pattikkad	Jolly Aavilamadathil	Arun V S, Dy RO Pattikkad	OR 02/2021 Old Pongan- amkadu FS
35		Sanilan	Arun V S, Dy RO Pattikkad	OR 08/2021 OR 09/2021 Pattikkad FS
36		Varghese	Arun V S, Dy RO Pattikkad	OR 08/2021 Pattikkad FS
37		Krishnankutty	Arun V S, Dy RO Pattikkad	OR 04/2021 Pattikkad FS
38		Davis	Arun V S, Dy RO Pattikkad	OR 04/2021 Pattikkad FS
39		Manoj	Arun V S, Dy RO Pattikkad	OR 10/2021 Pattikkad FS
40		Sunny	Shahjehan, Dy RO Elanad	OR 07/2021 Elanad FS
41		Abraham	Shahjehan, Dy RO Elanad	OR 08/2021 Elanad FS
42		Binu	Shahjehan, Dy RO Elanad	OR 09/2021 Elanad FS

43	Machad	Hamsa Elanad	Shahjehan, Dy RO Elanad	OR 18/2021 Elanad FS
44		Shahul Hameed	Shahjehan, Dy RO Elanad	OR 18/2021 Elanad FS
45		Jolly M V	Shajeev, Dy RO Vazhani	OR 01/2021 Vazhani FS
46		Aboobecker K M	Shajeev, Dy RO Vazhani	OR 01/2021 Vazhani PS
47		Aboobecker P H	Shajeev, Dy RO Vazhani	OR 01/2021 Vazhani

**DETAILS OF ARRESTS ON 31/07/2021**

Sl. No.	Range	Name of person arrested	Officer	OR No.
48	Pattikkad	Thankachan	Arun V S, Dy RO Pattikkad	OR 09/2021, Pattikkad FS

**DETAILS OF ARRESTS ON 02/08/2021**

Sl. No.	Range	Name of person arrested	Officer	OR No.
49	Kasargod	Johni Thomas	Ramesan K N, SFO, Parappa section	OR 2/21
50		Purushothaman Y	Ramesan K N, SFO, Parappa section	OR 2/21
51	Machad	Anilkumar K B	Shajeev, Dy RO Vazhani	OR 12/2021 Vazhani FS
52		Ashraf A. M.	Shahjehan, Dy RO Elanad	OR 14/2021 Elanad FS
53		Hamsa, S/o. Sulaiman	Shahjehan, Dy RO Elanad	OR 06/2021 Elanad FS

30. Details of tree felling incidents in LA patta lands during 2020 & 2021 (as on 07.08.2021) are extracted hereunder:

**Tree felling incidents in LA patta lands during 2020 & 2021**

(As on 07.08.2021)

Range	No. of incidents	No. of ORs booked	No. of felled Trees			Seizure (M3)			Remarks
			Teak	Rose-wood	Total	Teak	Rose-wood	Total	
Kasargode	7	7	11	10	21	13.633	17.179	30.812	
Kanhangad	6	6	14	2	16	2.55	1.103	3.653	
Meppady	49	49	0	107	107	0	213.447	213.447	
Kalpetta	2	2	26	3	29	5.03	4.465	9.495	
Kuttiady	3	3	8	0	8	.0	0	0	
Edavanna	1	1	13	0	13	5.016	0	5.016	
Sulthan Bathery	1	1	60	0	60	18.631	0	18.631	
Wadakkanchery	1	1	3	0	3	0	0	0	
Machad *	36	37	398	9	407	31.863	1.72	33.583	1 OR is for seizure of timber
Pattikkadu	20	20	314	2	316	68.491	0	68.491	
Palapilly	5	5	26	0	26	5.366	0	5.366	
Vellikulangara	1	1	5	0	5	0.937	0	0.937	
Pariyaram	6	6	38	0	38	6.165	0	6.165	
Athirappilly	3	3	18	0	18	0	0	0	
Kothamangalam	15	15	46	0	46	0	0	0	
Mullaringad	42	41	114	0	114	0	0	0	
Kaliyar	15	15	24	0	24	0	0	0	
Devikulam	2	2	5	0	5	0.5	0	0.5	
Adimali *	64	63	322	17	339	217.956	22.641	240.597	1 OR booked for 2 incidents
Neriyamangalam *	154	153	663	0	663	95.7102	0	95.7102	1 OR booked for 2 incidents
Marayoor	1	1	15	0	15	0	0	0	
Kanthalloor	1	1	6	0	6	0	0	0	
Ayyappancoil	1	1	6	0	6	1.419	0	1.419	
Kumily	6	6	0	0	0	0	5.4998	5.4998	
Erumeli	11	11	31	0	31	5.689	0	5.689	
Thattakkadu	41	41	165	3	168	0	0	0	
Ranni	1	1	8	0	8	0	0	0	
Achencoil	19	19	48	0	48	0	0	0	
Pathanapuram *	27	26	67	3	70	0.997	3.603	4.6	1 OR booked for 2 incidents
Anchal	16	16	26	1	27	20.9777	2.0174	22.9951	
Arienkavu	3	3	12	0	12	0	0	0	
Thenmala	3	3	9	1	10	0	0	0	
Kulathupuzha	7	7	22	2	24	4.843	0	4.843	
Palode	12	11	6	12	18	4.315	10.817	15.132	
Paruthippally	4	4	0	4	4	0	1.582	1.582	
<b>Grand Total</b>	<b>586</b>	<b>582</b>	<b>2520</b>	<b>176</b>	<b>2696</b>	<b>510.089</b>	<b>284.074</b>	<b>794.163</b>	

31. Progress of investigation in the case of felling of trees from the assigned lands in Kerala, after the arrest of one of the accused on 2.8.2021 in Cr. No.568/2021 registered u/s. 406 r/w. 34 of the IPC & Section 3(2)(e) of PDPP Act of Chelakkara Police Station, Thrissur district is extracted below:

"1. In Meenangadi PS Cr. 281/2021 U/s. 406, 420, 468, 471 r/w. 34 IPC, 3(1) of PDPP Act, 1984 & Sec. 10 of KLC Act.

1. Out of the total 74 accused, 29 (20 tribal people and 9 others) were removed from the accused list as they have not involved in the actual crime.

2. A73- Sri. Aji K. K. former village office, Muttill South Village, Wayanad (S/o. Kunjan K. K., Karivelil House, Krishnagiri P.O., Meenangadi, Wayanad)

A74 – Smt. Bindu K.O., Former Special Village Officer, Muttill South, Wayanad (D/o. Krishnan C., Sreebhavan, Poonkulam, Vellayambalam P.O., Thiruvananthapuram) were arrayed as accused.

3. Three accused (A69-Roji M. Augustine, A64- Anto M. Augustine & A63- Josekutty M. Augustine) were taken in police custody from 03.08.2021 to 06.08.2021 for the purpose of investigation.

4. 41A Cr.P.C. notice in respect of (1) Thankachan @ Chacko, S/o. John, Palakkathadathil (H), Vazhavatta, Wayanad and

(2) Suresh @ Cheppadan Suresh, S/o. Velayudhan, Velusseriyil (H), Vazhavatta, Wayanad were given. Both of them are accused in OR 33/2021 of Meppadi Forest Range. Their statements have been recorded.

II. In Adimali PS Cr. 786/2021 U/s. 406, 426, 120 B of IPC & Sec.3(1) of PDPP Act, 1984.

1. 4 accused have been arrested on 06.08.2021 by SHO Adimali Police Station Details are as follows.

A2-Reji, 49/21, S/o Kuriakose, Naduthottathil House, Anaviratty Karayil, Vellathooval Village

A3-Mathai @ Rajan, 64/21, S/o Ouseph, Marakkara House, Machiplavu Karayil, Schoolppadi, Mannamkandam Village

A4-Saji Kuriakose, 49/21, S/o Kuriakose, Mattathil House, Machiplavu Karayil, Mannamkandam Village)

A5-Shams, 48/21, S/o Makkar, Moolethottiyil House, Puthenkurish Karayil, Neriamangalam Village, Kothamangalam Taluk.

2. A1-Joji John, Former Forest Range Officer, Adimali Forest Range, Idukki District (Presently working as Forest Range Officer, Social Forestry, Ponkunnam Forest Range) has been arrayed as accused and report submitted to the JFCM Adimali.

### III. In Thrissur District of Machad Forest Range

1. Cr. 805/2021 U/s 406, IPC & Sec. 3(2) (e) of PDPP Act 1984 was registered in Chelakkara Police Station on 08.08.2021 against 4 accused. Details are as follows.

A1-Hamsa K.S, 47/21, S/o Sulaiman, Kunnathupeedikayil (H), Chelakkara, Pulakkode Village, Thrissur

A2-Paili, S/o Abraham, Kalappurayil (H), Pothumthadam, Chelakkara, Pulakode Village, Thrissur

A3- Nasar, S/o Husainar, Kalathil (H), Karimanasseri, Kizhakkumcheri, Palakkad A4- Yohannan, Kaliyaroad, Chelakkara, Thrissur

2. A1 Hamsa has been involved in OR 06/2021 of Machad Forest Range and a prime suspect in OR 03/2021 of Elanad Forest Station.

A2- Paili, an accused in OR 06/2021 of Elanad Forest Station who expired last week.

A3- Nasar, an accused in OR 06/2021 of Elanad Forest Station.

A4- Yohannan, an accused in OR 03/2021 & 20/2021 of Elanad Forest Station.

3. A1- Hamsa has been arrested in Cr. 805/2021 of Chelakkara PS on 08.08.2021 and will be produced JFCM Wadakkancherry on 09.08.2021.
4. Xajahan, Deputy Forest Range Officer, Elanad Forest Station has been arrayed as accused in Cr. 805/2021 of Chelakkara PS on 08.08.2021

Submitted

K. S. Sudarsan,  
Superintendent of Police,  
Crime Branch, Thrissur."

32. In exercise of the powers conferred by Section 7 of the Kerala Land Assignment Act, 1960 (Act 30 of 1960), and in supersession of the rules for assignment of Government lands issued notifications I and II G.O. (Press) No. 1029/Rev. dated 18-10-1958 published in the Kerala Gazette Extra Ordinary No.107, as subsequently amended, Government of Kerala have framed the Kerala Land Assignment Rules, 1964, for the assignment of Government lands. Rule 10 of the said rules reads thus:

**"10. Land value and other dues to be paid.** - (1) For the assignment of lands under clause (ii) of the proviso to sub-rule (3) of Rule 5, for the land in excess of the limit specified in clause (ii) of the said proviso, the assignee shall be liable to pay-

(i) the value of the land, where the land is held on lease, whether current or time expired; and

(ii) one-and-a-half times of the value of the land, where the land is held by way of encroachment.

Explanation. - (i) For purpose of this sub-rule "value of the land" shall mean the value of the land without improvements effected by the lessee or the encroacher, as the case may be;

(ii) in determining the value of the land for the purposes of this sub-rule, the District Collector shall have due regard to the value of similar lands without improvements situated in similar locality.

(2) In cases other than those falling under sub-rule (1), the assignee, on registry, shall be liable to pay the land value at the following rates:-

Dry Land-	Rs.1000 (Rupees One thousand only) per acre/40.47 ares.
Wetland (including lands reclaimed from rivers, canals, only backwaters, or the sea)	Rs.1,000/- (Rupees One thousand only) per acre/40.47 ares.
Grass land including waste	Rs.200 (Rupees two hundred lands only) per acre/40.47ares.

(3) The assignee shall also be liable to pay the value of the trees, plants and vines if any, specified in Parts A and B of Appendix III to these rules standing on the land at the time of assignment at such rates as may by order, be specified by the Government and subject to the following conditions:-

(a) No value shall be charged in respect of trees the girth of which is 90 c.m. or less at breast height.

[(b) If the assignee was already in occupation of the land and he or his predecessor in occupation has planted trees etc. thereon, no tree value shall be charged in respect of such of those trees etc., planted by him or his predecessor in occupation as are specified in Part B of Appendix III to these rules],



(c) If the assignee is not agreeable to pay the tree value as specified in clause (a), in respect of trees specified in Part A of Appendix III, to the Tahsildar shall dispose of, in public auction, the trees growth which is not allowed free to the assignee under that clause.

(4) In cases falling under sub-rule (2) or rule 9, the cost of survey and demarcation shall be recovered from the assignee at the following rates, namely:-

(i) In Taluks where resurvey work has been completed or is in progress, the maximum rate of survey charges per hector arrived at during resurvey for the area so far completed under resurvey; and

(ii) In Taluks where resurvey has not been taken up, maximum rate of survey charges as per resurvey in the nearest taluk in the District where resurvey has been completed.

(5) No land value, survey and demarcation charges and arrears of assignment shall be recovered from the assignee belonging to the Scheduled Castes or Tribes."

33. Kerala Preservation of Trees Act, 1986 is an Act to provide for the preservation of trees in the State of Kerala. Section 4 of the Act, 1986 is extracted hereunder:

**"4. Restriction regarding cutting, etc., of trees.-(1)**

No person shall, without the previous permission in writing of the authorized officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree.

(2) The permission under sub-section (1) shall not be refused if--

(a) the tree constitutes a danger to life or property; or

(b) the tree is dead, diseased or wind-fallen:

Provided that where permission to cut a tree is granted on the ground specified in clause (a) or clause

(b), the authorized officer shall impose as a condition for the grant of such permission the effective regeneration of an equal number of the same or other suitable species of trees; or

(c) such cutting is to enable the owner of the land in which the tree stands to use the area cleared or the timber cut for the construction of a building for his own use.

(3) No person shall cut or otherwise damage, or cause to be cut or otherwise damaged, the branch of any tree: Provided that the provisions of this sub-section shall not be deemed to prevent the pruning of any tree as required by ordinary agricultural or horticultural practices.

(4) No person shall, without the previous permission in writing of the authorized officer, destroy any plant of any tree or do any act which diminishes the value of any such plant.

(5) Nothing contained in sub-section (1) or sub-section (2) or sub-section (3) or sub-section (4) shall apply in respect of any tree or plant in the compound of any residential building:

Provided that where such a compound exceeds one hectare in extent, the provisions of this sub-section shall apply only in respect of an extent of one hectare immediately surrounding the residential building.

(6) Notwithstanding anything contained in this section or in any judgement, decree or order of any court, the owner of any land shall have the right to cut or cause to be cut any tree, other than a tree as defined

in clause (e) of Section 2, standing on such land, without obtaining a permission under this section.”

34. Section 22 of the Act, 1986 speaks about cutting of trees in future assignments and it reads thus:

**“22. Restriction regarding cutting, etc., of trees in future assignments.-** Notwithstanding anything contained in any law for the time being in force, any assignment after the commencement of this Act, of land belonging to the Government, under any law for the time being in force shall be subject to the condition that the assignee shall not, without the previous permission in writing of the authorized officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree standing on such land at the time of such assignment, and the provisions of this Act shall apply in relation to such permission as if they apply in relation to a permission under Section 4.”

35. Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005 is an Act to promote cultivation of trees in non-forest areas of the State, in order to increase green cover, preserve biodiversity and arrest soil erosion and to increase availability of timber and bamboo for industry. Section 6 of the said Act, 2005 speaks about right of the owners to cut and remove trees and it reads thus:

**“6. Right of the owners to cut and remove trees.-**

(1) Notwithstanding anything contained in any other law for the time being in force, every owner of non-forest land shall have the right to cut and transport any tree, other than sandalwood tree, standing on his land:

Provided that the provision under this sub-section shall not apply to trees, if any, reserved by the Government at the time of assignment of such land or trees standing on any land notified under section 5 of the Kerala Preservation of Trees Act, 1986 (36 of 1986):

Provided further that where any timber of a specified tree is transported from the land to any other place, the owner of such tree shall, before transporting the timber, file before the Forest Range Officer, having jurisdiction over the area, a declaration containing details such as the survey number of the land from which the tree is cut, number of trees, species of trees, quantity of timber and the place to which such timber is being transported, either directly or send it by registered post with acknowledgment due.

(2) Every declaration filed under sub-section (1) shall be acknowledged by the Forest Range Officer forthwith and a copy of the declaration so acknowledged shall accompany the timber during its transport:

Provided, that if the timber of a specified tree is transported from a non-forest land within five kilometres from the reserve forest boundary, necessary inspection shall be conducted by the Forest Range Officer within 15 days:

Provided further, that if acknowledgment from the Forest Range Officer is not received within 20 days on receipt of the declaration, the same shall be deemed to have been received.

(3) The cutting and removal of trees standing on non-forest areas, owned, controlled or vested in a Local Self

Government Institution, and its disposal shall be governed by such rules, as may be prescribed.”

36. Kerala Forest Act, 1961 is an Act to unify and amend the law relating to the protection and management of forests in the State of Kerala. Section 52 of the Act, 1961 speaks about seizure of property liable to confiscation and reads as under:

**“52. Seizure of property Liable to confiscation.-**

(1) When there is reason to believe that a forest offence has been committed in respect of any timber or other forest produce, such timber or produce, together with all tools, ropes, chains, boats, vehicles and cattle used in committing any such offence may be seized by any Forest Officer or Police Officer.

*Explanation.-* The terms 'boats and vehicles' in this Section, Section 53 and Section 55 shall include all the articles and machinery kept in it whether fixed to the same or not.

(2) Every officer seizing any property under subsection (1) shall place on such property or the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the timber or forest produce with respect to which such offence is believed to have been committed is the property of the Government and the offender is unknown, it shall be sufficient if the Forest

Officer makes, as soon as may be, a report of the circumstances to his official superior.”

37. Section 61A of the Act, 1961 speaks about confiscation by forest officers in certain cases and it reads thus:

**“61A. Confiscation by Forest Officers in certain cases.**-Notwithstanding anything contained in the foregoing provisions of this Chapter, where a forest offence is believed to have been committed in respect of timber, charcoal, firewood or ivory which is the property of the Government, the officer seizing the property under sub-section (1) of section 52 shall, without any reasonable delay, produce it, together with all tools, ropes, chains, boats, vehicles and cattles used in committing such offence, before an officer authorised by the Government in this behalf by notification in the Gazette, not being below the rank of an Assistant Conservator of Forests (hereinafter referred to as the authorised officer).

(2) Where an authorised officer seizes under sub-section (1) of Section 52 any timber, charcoal, firewood or ivory which is the property of the Government, or where any such property is produced before an authorised officer under sub-section (1) of this section and he is satisfied that a forest offence has been committed in respect of such property, such authorised officer may, whether or not a prosecution is instituted for the commission of such forest offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence.”

38. Section 69 of the Kerala Forest Act, 1961 speaks about presumption that timber or forest produce belongs to Government and it reads thus:

**“69. Presumption that timber or forest produce belongs to Government.-** When, in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest produce is the property of the Central or State Government, such produce shall be presumed to be the property of the Central or State Government, as the case may be, until the contrary is proved.”

39. Section 76 of the Act speaks about additional power of the Government to make rules and it reads as under:

**“76. Additional power to make rules.-** The Government may by notification in the Gazette make rules,-

(a) for the protection, advancement, treatment and management of hill tribes;

(b) to declare by what Forest Officer or class of Forest Officers the powers and duties conferred or Imposed by or under this Act, on a Forest Officer shall be exercised or performed;

(c) to regulate the procedure to be followed by Forest Settlement Officers;

(d) to regulate the rewards to be paid to officers and Informers from the proceeds of fines and confiscations under this Act or from the Public Treasury;

(e) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on land in the occupation of private persons;

(f) to regulate-or prohibit the felling, lopping, cutting, maiming or otherwise maltreating of trees standing on land temporarily or permanently assigned, the right of

Government over which has been expressly reserved in the deed of grant or assignment of such land; and

(g) generally to carry out the provisions of this Act.”

40. Section 82 of the Act, 1961 speaks about trees and timber standing on land granted for permanent cultivation and it reads as under:

**“82. Trees and timber standing on land granted for permanent cultivation.-** All trees and timber found in any land at the disposal of the government which may hereafter be granted permanent cultivation under such rules as may be in force at the time shall be held to be the property of the Government; such trees shall, on the application of the grantee, be removed by the Forest Department within eighteen months from the date of receipt of such application, if not so removed such trees and timber shall become the property of the landowner on payment by him of the seigniorage value fixed by the Government from time to time.”

41. Rule 3 of the Kerala Forest (Prohibition of Felling of Trees Standing on Land Temporarily or Permanently Assigned) Rules, 1995 speaks about trees to be the absolute property of the Government and it reads as under:

**“3. Trees to be absolute property of Government.-** All trees standing on lands temporarily or permanently assigned, the right of Government over which has been expressly reserved in the deed of grant or order of assignment of such land, shall be the absolute property of Government.”

42. Rule 4 of the Rules, 1995 speaks about sanction of Divisional Forest Officer to fell, lop etc., of trees and it reads as under:-



**"4. Sanction of Divisional Forest Officer to fell, lop etc. of trees.-** No person shall fell, lop, cut or maim or otherwise maltreat any tree which is the property of Government without prior sanction in writing granted by the Divisional Forest Officer having jurisdiction over the area:

Provided that in cases where the assignee is allowed under the deed of grant or order of assignment to lop, or fell any such tree, such lopping or felling may be done by him in the manner and subject to such conditions and on payment of such sum as specified in the deed of grant or order of assignment in that behalf."

43. Rule 5 of the Rules, 1995 speaks about sale of timber to the assignee and it reads as under:

**"5. Sale of timber to the assignee.-** Government may, in the absence of any provision to the contrary, in the deed of grant or order of assignment, sanction the sale of timber belonging to Government to the assignee under the provisions of the Kerala Forest (Preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands in the occupation of private persons) Rules, 1975."

44. Rule 6 of the Rules, 1995 states that the Collector to forward statement showing full details of the trees and it reads thus:

**"6. Collector to forward statement showing full details of the trees.-** The Collector of each district shall forward to the Chief Conservator of Forest a statement showing the full details of the trees standing on lands at the disposal of the Government which may hereafter be granted for permanent cultivation under the rules in force. On receipt of such statement and the application referred to in section 82 of the Act, the Chief Conservator of Forests shall take appropriate action

for the disposal of such tree growth within the period specified under Section 32 of the said Act.”

45. Rule 7 of the Rules, 1995 speaks about penalties, and the same reads as under:

**“7. Penalties.**- Whoever commits an infringement of the provisions in Rule 4 of these rules, shall, on conviction before a Magistrate, be liable to imprisonment for a term which may extend to six months or fine which may extend to one hundred rupees or both.”

46. As regards the inconsistencies contained in the statement and additional statement filed on behalf of the State, the Additional Director General of Police (Crime Branch), who is heading the Special Investigation Team, constituted to investigate the incidents of illegal tree felling in the State, was directed to submit a report as regards the investigation carried out in the subject issue, in a sealed cover. Pursuant to the same, the Investigating Officer has submitted a report dated 12.08.2021.

47. Going through the report, it is evident that Crime No.121/2021 was registered in Crime Branch Police Station, Crime Branch Headquarters, Thiruvananthapuram on 15.06.2021, with regard to the illegal cutting and theft of protected trees like rosewood, teak, etc., from the forest and Government properties in various districts of Kerala.

48. As per order dated 15.06.2021 of the Additional Director

General of Police (ADGP), Crime Branch, investigation of the abovesaid crime has been entrusted to the Superintendent of Police (Crime Branch), Thrissur. Thereafter, as per G.O.(Rt.) No.1634/2021/Home dated 11.06.2021, a meeting of the members of Special Investigation Team was convened on 15.06.2021, in which, the members of Forest, Vigilance and Police Departments have attended.

49. It is also evident from the report submitted by the ADGP that as theft of specified trees from patta lands in Machad, Pattikkad and Wadakkanchery forest ranges were revealed during investigation, reports were forwarded to the Station House Officers of Viyyur, Wadakkanchery, and Chelakkara Police Stations, for registration of criminal cases. Accordingly, Crime No.451/2021 has been registered at Viyyur Police Station for offences punishable under Section 379 r/w. 34 of the IPC, altered into Section 406 r/w. 34 IPC and Section 3(2)(e) of the Prevention of Damage to Public Property Act, 1984; Crime No.846/2021 of Wadakkanchery Police Station for offences punishable under Sections 120B and 379 r/w. 34 IPC; Crime No.568/2021 at Chelakkara Police Station for offences punishable under Sections 120B, 379 r/w. 34 IPC, altered into Sections 406 r/w. 34 of the IPC, and Section 3(2)(e) of the Prevention of Damage to Public Property Act, 1984.

50. Apart from the above, it is evident from the report submitted by the ADGP that a Statewide control room was opened in the Crime Branch office, Thrissur, for receiving information from the general public as regards cutting and removal of specified trees, and official email Id and phone numbers were published for the said purpose. The report also stated that for the purpose of a comprehensive investigation, District Collectors of Kasaragod, Wayanad, Kozhikode, Malappuram, Thrissur, Ernakulam, Idukki and Kollam districts and Land Revenue Commissioner, Kerala were requested to furnish the details in respect of the following:

- (i) Total number of persons who have been given patta in the assigned lands, since Kerala Land Assignment Rules, 1964 came in to force (LA Patta only)
- (ii) Name and address of the Pattadhars.
- (iii) Patta land details (Survey Number, Extent, Taluk, Village)
- (iv) Date of issue of Pattas.
- (v) Total number of royal trees (Sandalwood, Teak, Rosewood & Ebony)/scheduled trees (Teak, Irul, Rosewood, Tembavu, Kampakam, Chadachi, Chandanavempu, Vella Akil, Ebony) as per each Patta.
- (vi) Type and number of royal trees/scheduled trees as per each Patta.
- (vii) Total number of possession certificates/Land States Reports of Patta land issued by Revenue officials since 11.03.2020.
- (viii) Total number of possession certificates/Land Status Report of Patta land issued by Revenue officials for the

purpose of cutting trees since 11.03.2020.

- (ix) Total number of possession certificates/Land Status Report of Patta land issued by Revenue officials for the purpose of producing before the Forest officials since 11.03.2020.
- (x) Total number of possession certificates/Land Status Report of Patta land issued by Revenue officials for other purposes since 11.03.2020.
- (xi) Total number of royal trees (Sandalwood, Teak, Rosewood & Ebony)/scheduled trees (Teak, Irul, Rosewood, Tembavu, Kampakam, Chadachi, Chandanavempu, Vella Akil, Ebony)/scheduled trees (type wise) presently existing as per each Patta.
- (xii) Total number of royal trees/scheduled trees cut or removed (type wise) as per each Patta since 11.03.2020.
- (xiii) Details of legal actions initiated by revenue officials for cutting and removal of royal trees/scheduled trees since 11.03.2020.
- (xiv) Any other relevant information.

51. It is also evident from the report submitted by the ADGP that in connection with the investigation of the alleged cutting and removal of trees, 582 OR cases of Forest Department, as well as 14 FIRs, were registered in various police stations.

52. The report further states that periodical meetings are being convened, in order to identify the developments in the investigation and ascertain the details. It is also clear from the report that some Forest Range Officers have granted declaration forms for transporting specific

trees cut and removed from the patta lands.

53. The malpractices and irregularities on the part of Village officers, who have issued possession certificates, mentioned in the report of the ADGP, are extracted below:

A. Tree registers are not maintained by the Village Officers for preserving scheduled trees mentioned in the Patta.

B. In most of the cases, proper field enquiries are not conducted by the Village Officers, in order to ascertain the genuinity of the request made by the land owners.

C. In many cases, even though the specific purpose of felling trees is not mentioned by the landowners in their requests, possession certificates have been issued by the Village Officers.

D. Even though, the land owners in their requests, did not specifically mention the trees to be cut and removed, the Village Officers have granted possession certificates, without mentioning the trees to be cut and removed.

E. In a few cases, the Village Officers have issued sketches of the land and trees along with the possession certificates.

54. The ADGP, in his report, has further stated that the abovesaid malpractices/irregularities on the part of Government officials are looked into from Vigilance angle also.

55. The Additional Director General of Police has further reported that during investigation, it was revealed that some Forest Range Officers have issued declaration forms for transporting the specified trees cut and removed from the patta lands. The report also provides the details of the

persons involved in cutting and removal of trees from various lands, including forest and Government properties.

56. What is significant in the report submitted by the Additional Director General of Police, is that during investigation, it was found that a total number of 2696 scheduled trees (2520 teak trees & 176 rosewood trees) were cut and removed in the cases mentioned therein extending to the forest areas in various districts. The report also reveals that cases are registered under the provisions of the Kerala Forest Act, 1961, Kerala Forest (Preservation, Reproduction & Disposal of Trees & Timber Belonging to Government but Grown on Land in the Occupation of Private Persons) Rules, 1975, Kerala Forest Produce Transit Rules, 1975, Kerala (Prohibition of Felling of Trees Standing on Land Temporarily or Permanently Assigned) Rules, 1995, Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005, and various other statutes.

57. The report submitted by the ADGP further reveals that 56 persons have been arrested in various OR cases, the details of which is mentioned therein, and out of 56 arrested persons, 16 are landowners/pattadhars, while 40 are timber merchants, intermediate persons, saw mill owners, buyers or persons who cut the trees. That apart, 9 persons are accused in more than one OR case.

58. The report further shows the details of logs seized by the Forest Department and their estimated value. The details of OR cases registered in various Range Officers are also explained in the report. The details in respect of the investigation carried out in Crime Nos.319/2021, 400/2021, and 414/2021 registered at the Meenangadi Police Station under various provisions of the Indian Penal Code, 1860, Kerala Land Conservancy Act, 1957, and Prevention of Damage to Public Property Act, 1984 are also explained in the said report.

59. Further, the details of investigation carried out in Crime No.786/2021 registered on the file of Adimali Police Station under various provisions of the Indian Penal Code, 1860 and the Prevention of Damage to Public Property Act, 1984; the details of investigation carried out in Crime No.594/2021 of Ambalamedu Police Station under Sections 406, 420 r/w. 34 IPC; the details of investigation carried out in Crime No.391/2021 of Sulthan Bathery Police Station under Section 379 of the IPC; the details of investigation carried out in Crime No.846/2021 of Oonnukal Police Station under the provisions of IPC and PDPP Act, 1984; the details of investigation carried out in Crime No.451/2021 registered on the file of Viyyur Police Station are explained in the report submitted by the ADGP.



60. The report also reveals the role played by each one of the accused arrested and under investigation. We are not stating anything in detail in view of the confidentiality to be maintained, in order to carry on with the investigation by the Special Investigation Team.

61. We have evaluated the rival submissions made across the bar and the inputs provided by the petitioner, as well as the State.

62. Even though in the statement filed on behalf of the State, it was stated that investigation is being carried out, as regards cutting and removal of trees on the forest areas, patta lands and Government properties, going through the details furnished in the additional statement, it is seen that the investigation is being done to find out the real culprits, who are involved in the cutting and removal of trees only from the patta lands. Therefore, there is a clear inconsistency remaining on a bare comparison of the statement and additional statement filed on behalf of the State.

63. The prime aspect to be borne in mind is that a Special Investigation Team is constituted for the purpose of investigating the incidents of cutting and removal of valuable trees from the forests, Government and patta lands. Therefore, SIT has to conduct investigation not only in regard to the trees which were cut and removed from the patta

lands, but also from the Government as well as forest lands. From the report submitted by the Additional Director General of Police, Crime Branch, heading the Investigation Team, it is clear that crimes are registered in various Police Stations incorporating offences under the Indian Penal Code, 1860, including the one punishable under Sections 379, 406, 120B read with other offences constituted under various provisions of the relevant enactments discussed above.

64. True, the investigation is only at the preliminary stage and it was submitted by the learned Advocate General that during the course of investigation, if it is found that any Government officials or other persons are involved in the issue, without any hesitation, those persons will be brought under the investigation and appropriate action will be taken against them, irrespective of their status in the society.

65. Going through the material on record, we are of the considered opinion that the subject issue is a serious matter relating to removal of valuable public property from the forest area, Government, and patta lands. Therefore, no manner of leniency or laxity can be shown to these types of matters. That being the situation, we have no doubt in our mind that the State will have to take the matter forward more seriously. The Special Investigation Team has to necessarily carry out the investigation,

bearing in mind the seriousness of the issue of cutting and removal of valuable trees like teak, timber, rosewood and ebony from the forest, Government, and patta lands, and the investigation shall not be saddled only with regard to the trees cut and removed from the patta lands.

66. Going through the provisions of Kerala Forest Act, 1961, Kerala Land Conservancy Act, 1957, the rules, and the provisions of the other enactments, we find that valuable timber cannot be cut and removed by pattadhars, otherwise than in accordance with the provisions of the enactments in force, in regard to planting, cutting and removal of trees from forest lands, and other lands, specifically mentioned in the statutes and the lease provided. Therefore, if anybody, howsoever high he is, is involved in the illegal cutting and removal of trees, adequate and stringent action shall be initiated by the Special Investigation Team at the earliest possible, in order to ensure that the evidence required for properly proceeding with the investigation and for culmination of the prosecution proceedings, are not defaced or removed by the culprits.

67. Details of the trees and value involved, which are specifically shown above and discussed, would make it clear that a concerted action has taken place, in order to cut and remove the valuable trees from the forest areas, Government and patta lands, which could have been

done with the connivance and blessings of the high officials of the departments concerned. It is with the intention of avoiding any confusion and complexity, we have extracted the relevant provisions of the concerned enactments, Government orders, the reports etc. At this juncture, we are not saying anything further in the matter, as more materials are available in the report submitted by the Head of Special Investigation Team, which, if revealed, may affect the smooth conduct of the investigation.

68. Taking into account the facts, material and law, we are of the view that there are no reasons at this point of time to change the investigating agency as prayed for, however, we direct the Special Investigation Team headed by the Additional Director General of Police, Crime Branch, Kerala, to investigate into all the aspects involved in the subject issue from all angles, for which the Special Investigation Team is constituted, without fail, and at the earliest, to protect the interest of the State and the public at large, also bearing in mind that the State as the trustee of the public property, has to zealously safeguard the larger interest of the public, and thus, to send a message, to avoid such situations in future. The writ petition is disposed of accordingly, making it clear that this judgment would not prevent any member of the public from

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approaching this Court with authentic materials, at a later point of time, if the investigation is not taken forward in the right direction.

The report submitted by the Special Investigation Team shall be kept in a sealed cover, in the safe custody of the Registrar General, till further orders.

Sd/-  
S. Manikumar,  
Chief Justice

Sd/-  
Shaji P. Chaly,  
Judge

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**APPENDIX**

**PETITIONER'S EXHIBITS:**

- |               |                                                                                                                                         |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Exhibit P1    | THE PHOTOCOPY OF THE GOVERNMENT ORDER DATED 24.10.2020 ISSUED BY THE PRINCIPAL SECRETARY.                                               |
| Exhibit P1(A) | THE TRUE ENGLISH TRANSLATION OF EXHIBIT P1.                                                                                             |
| Exhibit P2    | THE PHOTOCOPY OF THE ORDER DATED 11.3.2020 ISSUED BY THE PRINCIPAL SECRETARY, REVENUE (WITH TYPED COPY).                                |
| Exhibit P2(A) | THE TRUE ENGLISH TRANSLATION OF EXHIBIT P2.                                                                                             |
| Exhibit P3    | THE PHOTOCOPY OF THE ORDER DATED NIL NO.GO(MS) NO.30/2021/RD.                                                                           |
| Exhibit P3(A) | THE TRUE ENGLISH TRANSLATION OF EXHIBIT P3.                                                                                             |
| Exhibit P4    | THE PHOTOCOPY OF THE ORDER DATED 30.01.2021 REJECTING TRANSPORTING PERMIT.                                                              |
| Exhibit P4(A) | THE TRUE ENGLISH TRANSLATION OF EXHIBIT P4.                                                                                             |
| Exhibit P5    | THE PHOTOCOPY OF THE REPORT OF THE 9TH RESPONDENT DATED 18.02.2021 ABOUT THE CUTTING OF TREES AND FALSIFIED PRESS RELEASE.              |
| Exhibit P5(A) | THE TRUE ENGLISH TRANSLATION OF EXHIBIT P5.                                                                                             |
| Exhibit P6    | THE PHOTOCOPY OF THE ENQUIRY REPORT DATED 17.02.2021 ABOUT THE ILLEGAL CUTTING OF TREES.                                                |
| Exhibit P7    | THE PHOTOCOPY OF THE REPORT OF THE CHIEF CONSERVATOR OF FOREST ABOUT THE FELLING OF PROTECTED TREES DATED 20.02.2021 WITHOUT ANNEXURES. |
| Exhibit P8    | THE PHOTOCOPY OF THE VISUALS DATED 01.07.2021 PUBLISHED IN MATHRUBHUMI AND ASIANET TV WITH TRANSLATION.                                 |

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**RESPONDENTS' EXHIBITS:-**

- ANNEXURE-R11(A): COPY OF THE JUDGMENT DATED 24.06.2021 OF THIS HONOURABLE COURT IN WRIT PETITION (CIVIL) NO.12616 OF 2021.
- ANNEXURE-R11(B):- TRUE PHOTOCOPY OF THE KERALA LAND ASSIGNMENT (AMENDMENT) RULES, 2017.
- ANNEXURE-R11(C): TRUE PHOTOCOPY OF GO (MS) NO.30/2021/REV. DATED 02/02/2021 WITH TRUE TRANSLATION.
- ANNEXURE-R11(D): COPY OF G.O(RT) NO.1634/2021/HOME DATED 11.06.2021.
- ANNEXURE-R11(E): COPY OF G.O.(RT) NO.1646/2021/HOME DATED 14.06.2021.
- ANNEXURE-R11(F): COPY OF ORDER NO.PTN-11299/2021/CB DATED 15.06.2021 OF THE ELEVENTH RESPONDENT.
- ANNEXURE-R11(G): COPY OF ORDER NO.80/CAMP/ADGP-CB/2021 DATED 13.07.2021 OF THE ELEVENTH RESPONDENT.
- ANNEXURE-R11(H): COPY OF THE TABULAR COLUMN PERTAINING TO THE DETAILS OF THE OCCURRENCE REPORTS REGISTERED IN RELATION TO INCIDENTS OF ILLEGAL FELLING OF TREES IN THE STATE.
- ANNEXURE-R11(I): COPY OF TABULAR COLUMN PERTAINING TO THE DETAILS OF PERSONS ARRESTED, UP TO 31.07.2021, IN RELATION TO OCCURRENCE REPORTS REGISTERED BY FOREST DEPARTMENT.

//TRUE COPY//

P.A. TO C.J.