

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 19717 OF 2026

Between:

Shaik Quayyum, S/o. Shaik Ahmed, Aged 49 years, Occ. Driver, R/o. H.No. 9-18-132, Malapally, Nizamabad Town and District. Pincode. 503001.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary (Civil Supplies) Department, Secretariat, Hyderabad.
2. The District Collector (Civil Supplies), Nizamabad District.
3. The District Civil Supply Officer, Nizamabad District.
4. The Deputy Tahsildar (Civil Supplies) Nizamabad, Nizamabad District.
5. The Station House Officer, Nizamabad VI TN, Nizamabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order, or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in seizing the vehicle of the petitioner DOST, bearing Registration No. TS16UC2953, on the ground of carrying PDS rice by the Accused in Cr.No. 118/2026, as highly illegal, arbitrary and violation of principles of natural justice and consequently direct the respondent 5 to release the seized vehicle of the petitioner.

I.A. NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct

the respondent 5th to release the seized vehicle of the petitioner DOST, bearing Registration No. TS16UC2953, pending disposal of the writ petition.

Counsel for the Petitioner: SRI. GAJE RAGHU

**Counsel for the Respondent Nos. 1to4: SRI NAGARAJU GALI,
AGP FOR CIVIL SUPPLIES**

Counsel for the Respondent Nos.45: AGP FOR HOME

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.19717 OF 2026

DATE: 24.06.2026

Between :

Shaik Quayyum

... **Petitioner**

A ND

The State of Telangana,
Rep. by its Principal Secretary,
(Civil Supplies) Department,
Secretariat, Hyderabad & 4 others

... **Respondents**

ORDER

Heard Sri. G. Raghu, learned counsel appearing on behalf of the petitioner and Sri Nagaraju Gali, learned Assistant Government Pleader for Civil Supplies, appearing on behalf of respondent Nos.1 to 4.

2. The petitioner approached this Court seeking the prayer as under:

"...to issue a writ order, or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in seizing the vehicle of the petitioner DOST,

bearing Registration No. TS16UC2953, on the ground of carrying PDS rice by the Accused in Cr.No. 118/2026, as highly illegal, arbitrary and violation of principles of natural justice and consequently direct the respondent No.5 to release the seized vehicle of the petitioner and pass..."

3. It is represented by the learned counsel appearing on behalf of the petitioner that the subject issue in the present writ petition is squarely covered by the order of this Court dated 27.02.2025 passed in W.P. No. 5819 of 2025.

4. The learned Assistant Government Pleader for Civil Supplies, appearing on behalf of respondent Nos.1 to 4 does not dispute the said submission made by the learned counsel appearing on behalf of the petitioner.

5. In view of the above facts and circumstances, taking into consideration the fact that the respondent authorities have initiated proceedings under Section 6-A of the E.C. Act and the same are pending, this Court is inclined to grant relief to the petitioners.

6. Accordingly, this Writ Petition is disposed of directing respondent No.5 to release the vehicle i.e., DOST bearing Registration No.TS16UC2953 seized on 07.05.2026 in connection with Crime No.118 of 2026 of Nizamabad VI town

Police Station Nizamabad District, in favour of the petitioner subject to condition of petitioner furnishing bank guarantee by way of Fixed Deposit for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of respondent No.5. Release of the vehicle shall be subject to outcome of the confiscation proceedings under Section 6-A of the E.C. Act. Pending such proceedings, the petitioner is directed not to alienate or alter physical features of the subject vehicle, and is further directed to produce the vehicle as and when required by the authorities concerned. No order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SD/- A.H.S.GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Civil Supplies) Department, Secretariat, T.S., Hyderabad.
2. The District Collector (Civil Supplies), Nizamabad District.
3. The District Civil Supply Officer, Nizamabad District.
4. The Deputy Tahsildar (Civil Supplies) Nizamabad, Nizamabad District.
5. The Station House Officer, Nizamabad VI TN, Nizamabad District.
6. One CC to SRI. GAJE RAGHU Advocate [OPUC]
7. Two CCs to GP FOR CIVIL SUPPLIES High Court for the State of Telangana, at Hyderabad [OUT]
8. Two CCs to GP FOR HOME High Court for the State of Telangana, at Hyderabad [OUT]
9. Two CD Copies

(Along with an annex copy of the order dated 27.02.2025 in WRIT PETITION No. 5819 of 2025)

BM
TKS



CC TODAY

HIGH COURT

DATED: 24/06/2026

ORDER

WP.No.19717 of 2026



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(12) (SKS)
2/9

THE HON'BLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION No.5819 of 2025

ORDER:

This Writ Petition is filed to declare the action of the respondents in seizing the petitioners' vehicles i.e., Lorries bearing Nos. TS 04 UA 8799 and TS 02 UD 4574 on 14.02.2025 in connection with Crime No.30 of 2025 of Chennur (Town) Police Station, Ramagundam District, without conducting any enquiry, as illegal, arbitrary and unconstitutional.

2. Heard learned counsel for the petitioners and learned Government Pleader for Civil Supplies appearing on behalf of respondents No.1 to 6 and learned Government Pleader for Home appearing on behalf of respondent No.7. Perused the material on record.

3. The vehicles of the petitioners i.e., Lorries bearing Nos. TS 04 UA 8799 and TS 02 UD 4574 were seized on 14.02.2025 by the respondents in connection with Crime No.30 of 2025 of Chennur (Town) Police Station,

Ramagundam District, under Section 318(2) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 7 of the Essential Commodities Act, 1955 (for short 'the E.C. Act').

4. Learned Government Pleader for Civil Supplies submitted that proceedings under Section 6-A of the E.C. Act, have been initiated against the petitioners and the same are pending. Learned Government Pleader further submitted that the subject vehicles are still in the custody of respondent No.7-Police Station.

5. In view of the above facts and circumstances, taking into consideration the fact that the respondent authorities have initiated proceedings under Section 6-A of the E.C. Act and the same are pending, this Court is inclined to grant relief to the petitioners.

6. Accordingly, this Writ Petition is disposed of directing respondent No.7 to release the vehicles i.e., Lorries bearing Nos. TS 04 UA 8799 and TS 02 UD 4574, seized on 14.02.2025 in connection with Crime No.30 of

2025 of Chennur (Town) Police Station, Ramagundam District, in favour of the petitioners subject to condition of their furnishing bank guarantee by way of Fixed Deposit for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each in favour of respondent No.2. Release of the vehicles shall be subject to outcome of the confiscation proceedings under Section 6-A of the E.C. Act. Pending such proceedings, the petitioners are directed not to alienate or alter physical features of the subject vehicles, and are further directed to produce the vehicles as and when required by the authorities concerned. No order as to costs.

Miscellaneous applications, if any, pending in this writ petition, shall stand closed.

S/D. D. RAMANARAJA REDDY

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.5809 OF 2026

DATE: 03.03.2026

Between :

Gugloth Jabbal Lal

A n d

... Petitioner

The State of Telangana,
Forest Department,
Hyderabad & 4 others

... Respondents

ORDER:

Heard Sri K. Anantha Rao, learned counsel appearing on behalf of the petitioner, and learned Assistant Government Pleader for Forest appearing on behalf of Respondent Nos.1 to 5.

2. The petitioner approached this Court seeking the prayer as under:

"...to issue a writ, order or direction more in the nature of Writ of Mandamus, declaring the action of the 4th respondent in passing a confiscation order of the tractor of the petitioner bearing No.TS 17 T 7472 of MF 9500 Tractor and not releasing the same as illegal and consequently direct the respondent No.5 to see that the land had been given as Podu Patta to the said Bhukya Sunitha and therefore no offence is made out against the

petitioner herein and hence set aside the impugned order confiscating of the vehicle and pass such other order ..."

3. The case of the petitioner, in brief, is that the petitioner had purchased an MF 9500 tractor bearing No. TS 17 T 7472 in the year 2020 under the Prime Minister Self-Employment Scheme and has been earning livelihood by providing hire services. On 22.03.2021, the Forest Range Officer summoned the petitioner along with petitioner's tractor and seized the same, alleging that it had been used for ploughing land in Sy.No.382 of Ankireddypally Thanda belonging to Smt. Bhukya Sunitha and that it was involved in a forest offence. Subsequently, confiscation proceedings were initiated under Sections 44(2-B) and 44(2-C) of the Telangana Forest Act, culminating in an order dated 04.08.2022 confiscating the vehicle without affording the petitioner an opportunity of being heard. Earlier, in W.P. No.24318 of 2021, this Hon'ble Court directed release of the vehicle subject to deposit of Rs.2,00,000/-, which the petitioner was unable to comply with due to financial hardship. Hence, the petitioner has filed the present writ petition seeking to set aside the confiscation order and for interim release of the vehicle.

4. **PERUSED THE RECORD:-**

(A) The relevant portion of the order impugned vide Proceedings No.1016-1/2021/S6 dated 04.08.2022 issued by the 4th Respondent - Forest Divisional Officer, Kamareddy, is extracted hereunder:

4. Order:

For all the reasons mentioned above, and as per the powers vested to me under section 44 (2) of T.S. Forest Act, 1967, I hereby order for confiscation of the vehicles Tractor bearing Nos. TS17T7472, TS17T3596, TS17C7196 and TS17T3494 fitted with front blade and rear plough along with the forest produce i.e., 25 cartloads of firewood value @ Rs.622/- per cart load, total destruction value of Rs.15550/- to the Government as it was involved in commission of forest offence i.e., Trespass into Reserve Forest, Attempt of Encroachment in R.F. land to an extent of 3.89 Ha and 5.636 Ha for cultivation purpose by way of ploughing of R.F land, Uprooted and removed the Forest Produce 25 Cart loads fire wood value @ 622/- per cart load value of Rs.15550/- and damaged 500 No's of Staggered Trenches of Value Rs.1,50,000/- Total Value of destruction is Rs.1,65,550/-.

An appeal against this order lies before the Chief Conservator of Forests, Nizamabad Circle, Nizamabad / District Court, Nizamabad within (30) days from the date of receipt of this order as per sub-section (2-D & 2-E) of Section 44 of T.S. Forest Act, 1967."

(B) The averments made by the petitioner at para 9 of the affidavit filed by the petitioner in support of the present writ petition is extracted hereunder:

"9. I the petitioner herein begs to submit that the 4th respondent had initiated proceedings for confiscation of the vehicle under Section 44(2-B) & 44(2-C) of the Telangana Forest Act and without following any principles of natural justice and the procedure laid down under the sections and without giving any opportunity to defend the petitioner the proceedings were concluded in passing of the order of the proceedings bearing No.1016-1/2021/S6 dt.04.08.2022 confiscating the vehicle of the petitioner tractor by saying in the order that the petitioner had accepted their guilt of entering into the forest area. The said order though said to have been made in the year 2022 the same was not communicated to the petitioner who remained innocent as to what is the proceeding against him. The said confiscation order was passed with a clause that the petitioner could prefer an appeal against the same within 30 days. The order was not brought to the knowledge of the petitioner and was not given an opportunity to defend himself in the enquiry and everything had been done behind his back in total violation of the rules."

DISCUSSION AND CONCLUSION:

5. The learned counsel appearing on behalf of the petitioner mainly puts forth the following submissions:

(i) The order impugned dated 04.08.2022 is illegal since it has been passed behind the back of the petitioner without notice.

(ii) The petitioner had no knowledge about the passing of the impugned order dated 04.08.2022 by the 4th respondent confiscating petitioner's Tractor bearing No. TS17T7472.

(iii) The confiscation order is contrary to the procedure established under the statute.

Therefore, the petitioner is entitled for the relief as prayed for in the present writ petition.

6. Learned Assistant Government Pleader appearing on behalf of respondents mainly puts forth the following submissions:

(i) The order impugned dated 04.08.2022 is legal and as per law.

(ii) Though the order impugned dated 04.08.2022 passed by the Forest Divisional Officer, Kamareddy, clearly indicates that an appeal against this order lies before the Chief Conservator of Forests, Nizamabad Circle, Nizamabad / District Court, Nizamabad, within (30) days from the date of receipt of the said order as per sub-section (2-D & 2-E) of Section 44 of T.S. Forest Act, 1967, yet the petitioner failed to avail the remedy of preferring an appeal.

Therefore, the petitioner is not entitled for any relief as prayed for in the present writ petition.

7. A bare perusal of the averments made at para '9' of the affidavit filed by the petitioner in support of the present writ

petition clearly indicates that a specific plea is taken by the petitioner herein that the order impugned dated 04.08.2022 passed in the year 2022 had not been communicated to the petitioner and the petitioner had been unaware of the proceedings issued against the petitioner. Further the petitioner was not given an opportunity to defend himself in the enquiry and that the proceedings were conducted in violation of the statutory procedure and rules.

8. The learned Assistant Government Pleader contends that the writ petition could be disposed of by directing the petitioner to avail the statutory remedy of appeal as indicated, in the impugned order dated 04.08.2022, of the proceedings of the Forest Divisional Officer, Kamareddy, pertaining to the confiscation of the vehicles bearing Nos. TS17T7472, TS17T3596, TS17C7196 and TS17T3494.

9. The learned counsel appearing on behalf of the petitioner does not dispute the said submissions made by the learned Assistant Government Pleader for Forests appearing on behalf of the respondents.

10. This Court takes note of the fact that the order of confiscation proceedings of the vehicles bearing Nos. TS17T7472, TS17T3596, TS17C7196 and TS17T3494 are dated 04.08.2022 and therefore the relief as sought for by the petitioner in the present writ petition cannot be granted at this stage. However, duly considering the averments made at para '9' of the affidavit filed by the petitioner (referred to and extracted above), this Court opines that petitioner should be given an opportunity to avail the statutory remedy of appeal.

Accordingly, without going into the merits of the case and upon consent of both the learned counsel on record, the present writ petition is disposed of granting liberty to the petitioner to prefer an appeal against the order impugned dated 04.08.2022 of the Forest Divisional Officer, Kamareddy passed under Section 44 (2) of T.S. Forest Act, 1967 pertaining to order of confiscation of the vehicles bearing Nos. TS17T7472, TS17T3596, TS17C7196 and TS17T3494, within two (02) weeks from the date of receipt of copy of the order and upon the petitioner preferring the said appeal before the Chief Conservator of Forests, Nizamabad Circle, Nizamabad, the appellate

authority shall consider the said appeal, in accordance to law and pass appropriate orders in conformity with the principles of natural justice by providing an opportunity of personal hearing to the petitioner duly taking into consideration the relevant rules. It is also open to the petitioner to file an application seeking immediate release of the vehicles and the appellate Authority is directed to consider the same on merits and pass appropriate orders, in accordance to law, expeditiously, pending final adjudication and disposal of the appeal on merits by the 2nd respondent in accordance to law.

With these observations, the writ petition is disposed off. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.