

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.4463 of 2015

ORDER:

Heard Sri N.Aswartha Narayana, the learned counsel for petitioner and the learned Government Pleader for Forests for respondents.

2. This Writ Petition is filed seeking a declaration that the action of respondents 2 and 3 in not releasing the petitioner's Tractor and Trally bearing Nos.AP21-UETR-6709 and AP21-Y-3273 respectively, as illegal and arbitrary.

3. The petitioner is the owner of aforesaid Tractor and Trally. A crime was registered under Section 20(i) C (iii) (iv) (v) & (X) of the Andhra Pradesh Forest Act, 1967 (for short, the Act) on the ground that the vehicle of the petitioner was involved in a forest offence. The learned counsel for the petitioner submits that the petitioner is not aware of the alleged excavation of iron ore. He further submits that the petitioner is not the accused in the aforesaid crime and that his name is not found in the First Information Report. He also submits that if the vehicle is kept idle, it will be exposed to sun, rain and dust and the condition of the vehicle is likely to be deteriorated. He further submits that when the vehicle was seized in connection with the forest offence, it has necessarily to be produced before the Magistrate concerned as per Section 44 (2)(b) of the Act, but the respondent authorities are not producing the vehicle before the Magistrate concerned and are not passing any orders on the representations

submitted by him. The petitioner made a representation dated 22.09.2014 to the second respondent-Divisional Forest Officer, Kurnool seeking interim custody of the vehicle. As there was no response, the petitioner submitted another representation dated 08.01.2015 before the same authority, but so far no orders have been passed on those representations. Further, the petitioner also filed an application before the Magistrate concerned seeking release of the vehicle, but the same was dismissed on the ground that the vehicle was not produced before the Magistrate concerned.

4. Under these circumstances, the Writ Petition is disposed of directing the respondents to produce the petitioner's Tractor and Trally bearing Nos.AP21-UETR-6709 and AP21-Y-3273 respectively before the Magistrate concerned within a period of one week and thereafter, the petitioner can make an application before the Magistrate concerned seeking release of the said vehicle. As and when such an application is made, the Magistrate concerned is directed to pass appropriate orders for release of the vehicle in accordance with law. No order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 02.06.2015

TJMR