

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

* * * *

WRIT PETITION No.23320 of 2015

Between:

Gangireddy Sudhakar Reddy.

....Petitioner

and

The State of Telangana, Rep.by its
Secretary, Forest Department,
Government of Telangana,
Secretariat, Saifabad, Hyderabad, and others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 28.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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|----|---|--------|
| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be
Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.23320 of 2015

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ORDER:

The petitioner claims to be the owner of Scorpio car bearing No.TS 01 EB 0707. While so, the car was seized by the second respondent on 20.05.2015 when the same was parked at Neeladreeswara Swamy Temple, Neeladri, Penuballi Mandal in Khammam District, on the ground that it was involved in offences under the provisions of the Andhra Pradesh Forest Act, 1967, and the Wild Life

(Protection) Act, 1972. The petitioner filed a petition before the learned Judicial Magistrate of First Class, Sathupally, under Section 457 of Cr.P.C seeking release of the car and an order was passed in CrI.M.P.No.367 of 2015 in POR No.11/64/2011 in COR No.12/OR/2015-16, dated 01.07.2015. When the car is not released in spite of the said order, the present Writ Petition is filed.

It is clear from the above narration of events that the learned Principal Judicial Magistrate of First Class, Sathupalli, passed an order on 01.07.2015 to the following effect:

“Hear both sides petition is allowed.

By virtue of the power conferred on this court U/s.44(4) of the AP Forest Act, and to prevent deterioration in value of the vehicle i.e., Scorpio Car bearing No.TS-01-EB-0707 shall be given interim custody to the petitioner on his furnishing personal bond for a sum of Rs.2,00,000/- with one surety for like sum.

Original R.C. produced today, Xerox attested copy by the petitioner and his counsel shall be retained in the court.

The petitioner shall not dispose of the car or alter its features in any manner till disposal of this case.”

In view of the same, the second respondent ought to have released the vehicle immediately after receipt of the aforesaid order. The order of release is dated 02.07.2015, pursuant to the order passed on 01.07.2015. The petitioner issued a notice through his Counsel on 04.07.2015 and the vehicle is not released.

In the circumstances, the second respondent is directed to release the subject vehicle pursuant to the orders passed by the learned Principal Judicial Magistrate of First Class, Sathupalli, dated 01.07.2015 and 02.07.2015, forthwith.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There

shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

28.07.2015

Note: Issue C.C in two days.

B/o.

vs