

HON'BLE SRI JUSTICE R. KANTHA RAO

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Writ Petition No.4071 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Forests appearing for respondents 1 to 3.

2. This Writ Petition is filed seeking to declare the action of the respondents 2 and 3 in not releasing the vehicle viz., AP21-AV-9226 JCB of the petitioner, as illegal and arbitrary.

3. The petitioner is the owner of the vehicle-JCB bearing No. AP21-AV-9226. A crime was registered under Section 20(i) C (iii) (iv) (v) & (X) of APF Act, 1967 on the ground that the vehicle of the petitioner was allegedly involved in forest offence. It is submitted on behalf of the petitioner 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 A.P. Forest Act, 1967, 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. Obviously, the petitioner made representation dated 22.09.2014 to the 2nd respondent-Divisional Forest Officer, Kurnool seeking interim custody of the vehicle. As there was no response, the petitioner filed another representation dated 08.01.2015 before the same authority, but so far no orders have been passed on these 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 vehicle-JCB bearing No. AP-21-AV-9226 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. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

R. KANTHA RAO, J

Date: 24.02.2015
Note:
Issue CC in two days
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URGENT

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Date: 24.02.2015

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