

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.32670 of 2015

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Forests appearing for the respondents.

The first petitioner is owner and possessor of the land to an extent of Ac.10.00 Guntas in Survey No.152/402 situated at Kannaigudem Village of Aswaraopet Mandal in Khammam District. The eucalyptus trees were raised in the said land and the first petitioner harvested the same by cutting grown eucalyptus trees and the same were sold to the third petitioner. The third petitioner loaded the same in a lorry bearing No.MA-34-AB-4986 belonging to the second petitioner for transportation. The concerned Village Revenue Officer and the Forest Beat Officer have also issued permit for cutting and transportation of eucalyptus trees.

While so, on 10.09.2015 when the goods were being transported for the purpose of weighment, the subordinates of the third respondent-Deputy Conservator of Forests-cum-Divisional Forest Officer, Khammam, have intercepted the said lorry and seized the same. An order was passed on 26.09.2015 by the third respondent in respect of the vehicle bearing No.MA-34-AB-4986 compounding the offence on payment of Rs.1,90,600/- for release of the said vehicle. Challenging the said order, the petitioners preferred an appeal on 01.10.2015 before the second respondent-Conservator of Forests, Khammam and also sought for release of the said vehicle pending disposal of the appeal and when the second respondent did not pass any orders, the present writ petition is filed.

The continued detention of the vehicle is not benefit to the State or to the petitioners, when the appeal is pending before the second respondent.

In the circumstances, this Court feels it just and necessary to direct the second respondent to consider the appeal itself filed by the petitioners dated

01.10.2015 and dispose of the same after hearing the petitioners, within a period of 10 days from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J.

Date: 08.10.2015

Isn