

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 9549 OF 2015

DATED 9TH JUNE, 2015.

BETWEEN

Shaik Mahaboob Peera

...Petitioner

And

The Divisional Forest Officer, Kurnool and ors.

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 9549 of 2015

ORDER:

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Heard learned Counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner is the owner of JCB vehicle bearing registration No. AP 21 AP 4270. On 16.03.2014 two agriculturists approached the petitioner to take the

said vehicle on hire for removing the bushes in their agricultural fields. When the said vehicle was being used for removing the bushes, the second respondent seized the said vehicle on the ground that it entered the forest land. On the basis of the report of the second respondent, a case in Cr.No. 190/2013-14 under the provisions of the A.P. Forest Act and Section 3 of the Biological Diversity Act was registered against the petitioner. The petitioner filed CrI.M.P.No. 2533 of 2014 before the competent criminal Court for release of the said vehicle. However, the criminal Court rejected the said petition on the ground that it has no jurisdiction to entertain the said petition. Thereafter, the petitioner filed Criminal Revision Petition No. 32 of 2014, which was dismissed giving liberty to the petitioner to approach the authorized officer. Accordingly the petitioner submitted application before the respondents on 15.10.2014 seeking interim custody of the vehicle, When no orders are passed on the said application, the petitioner filed the present Writ Petition.

The seized vehicle will be released by the competent Court when it was produced before the concerned Court by the authorized officer. Having regard to the facts and circumstances of the case, the respondents are directed to produced the J.C.B. vehicle bearing registration No. AP 21 AP 4270 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 orders for release of the vehicle in accordance with law.

The Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 9TH JUNE, 2015.

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