

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.986 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Forests appearing for respondents 1 and 2.

This Writ Petition is filed seeking to declare the action of the 2nd respondent in not releasing the vehicle viz., AP09 CT 4235 TOYOTA INNOVA of the petitioner, as illegal and arbitrary.

The petitioner is the owner of the vehicle bearing No. AP09 CT 4235 TOYOTA INNOVA. The said vehicle was seized by the 2nd respondent-Forest Range Officer, Kadapa on the ground that it was used in illegal transportation of red sander logs.

Learned counsel appearing for the petitioner submits that the vehicle is kept idle in the office of the 2nd respondent and if it is exposed to sun, rain and dust, the condition of the vehicle is likely to be deteriorated. He further submits that the 2nd respondent did not produce the vehicle before the Divisional Forest Officer, who has jurisdiction to pass appropriate orders in respect of custody of the vehicle.

Learned Government Pleader for Forests

appearing for the respondents submits that the vehicle shall not be released in the normal circumstances without deposit of the amount equivalent to the value of the vehicle. In support of his contention, he relied on the judgment of the Apex Court in *State of W.B v Mahua Sarkar*^[1] and *State of Karnataka v K. Krishnan*^[2].

In any event, the grievance of the petitioner is that the vehicle is kept idle in the office of the 2nd respondent.

Under those circumstances, the writ petition is disposed of directing the 2nd respondent-Forest Range Officer, Kadapa, to produce the vehicle bearing No. AP09 CT 4235 TOYOTA INNOVA before the authority concerned and thereafter, the petitioner is directed to make an application seeking custody of the vehicle. As and when such an application is filed, the appropriate authority is directed to pass orders regarding custody of the vehicle, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R. KANTHA RAO

12th February, 2015
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Note: Issue CC by two days.

[\[1\]](#) AIR 2008 Supreme Court 1591

[\[2\]](#) AIR 2000 Supreme Court 2729 (1)