

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.2706 of 2015

ORDER:

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

This Writ Petition is filed seeking to declare the action of the respondents 2 and 3 in not releasing the vehicle viz., AP21-TV-6119 Tata Sumo of the petitioner, as illegal and arbitrary.

The petitioner is the owner of the vehicle bearing No. AP21-TV-6119 Tata Sumo. 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 used in transportation of passengers involved in the commission of forest offence. The said vehicle was seized under the cover of mediators report and the aforesaid passengers were arrested.

Learned counsel appearing for the petitioner submits that the petitioner was not aware of the alleged transportation of the passengers in the vehicle. 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 said representations.

Obviously, the petitioner made representation dated 23.09.2014 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 8.1.2015 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.

Under these circumstances, the Writ Petition is disposed of directing the respondents to produce the vehicle bearing No. AP21-TV-6119 Tata Sumo 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.

JUSTICE R. KANTHA RAO

12th February, 2015
rkk

Note: Issue CC by two days.