

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.19138 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“ to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondents in seizing and detaining the Goods carriage of the petitioner i.e. Eicher bearing No.AP 29 TB 3815 even though no offence is made out under Section 32 of the Forest Act as arbitrary, illegal and contrary to Section 44 of the A.P.Forest Act and consequently direct the respondents to release the vehicle of the petitioner i.e. Eicher bearing No.AP 29 TB 3815 in the interest of justice.”

Heard the learned counsel for the petitioner and the learned Government Pleader for Forest for respondents and perused the prayer and affidavit filed in support of the writ petition along with material.

As per Section 44 of the A.P.Forest Act (for short 'the Act') and also as per the expressions in State of West Bengal v. Sujit Kumar Rana¹, State of A.P. v. P.K.Mohd² and Mohd.Yaseen v. F.R.O.³ with regard to exclusive jurisdiction of the Forest Department Officials for confiscation, once the property was brought to them under the Act, the petitioner has to make an application within a period of one week to the Assistant Conservator of Forests, Tirupati, for release of the vehicle and the Assistant Conservator of Forests, Tirupati, shall consider the same and pass appropriate orders on merits, within a period of two weeks thereafter. If the petitioner has any further grievance, it is left open to him to agitate the same in accordance with law.

With the above direction, this Writ Petition is disposed of at the stage of admission. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO J,

Date: 15.06.2017
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¹ 2004(4) SCC 129

² 1978(1)APLJ-391(DB)

³ 1980(1) ALT 8