

WRIT PETITION No.15733 of 2017

ORDER :

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

“ to issue Writ, or Direction especially one in the nature of Writ of Mandamus holding the action of the respondents 4 and 5 in taking away the Tractor bearing No.AP 04 TU 4191 is illegal, arbitrary and unjust and consequently direct the respondents to release the Tractor bearing No.AP 04 TU 4191 to the petitioner forthwith and pass such other or further orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioner and the learned Government Pleader for Forests 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 concerned, for release of the vehicle and the Assistant Conservator of Forests concerned 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:28.06.2017
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¹ 2004(4) SCC 129

² 1978(1)APLJ-391(DB)

³ 1980(1) ALT 8