

WRIT PETITION No.21133 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 1st respondent in detaining the vehicle bearing No.AP 27 TW 0559 belong to the petitioner and not releasing the vehicle by way of interim custody or producing the same before the court as arbitrary and illegal and consequently direct the respondents to release vehicle bearing No.AP 27 TW 0559 forthwith by way of interim custody in the interest justice.”

Heard learned counsel for the petitioner and learned Government Pleader for Forests appearing for respondents and perused the prayer in the writ petition with supporting affidavit and other material on record.

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:04.07.2017
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¹ 2004(4) SCC 129

² 1978(1)APLJ-391(DB)

³ 1980(1) ALT 8