

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.45208 of 2016

Order:

The petitioner is engaged in the business of renting Motor Cabs under Rent-A Cab Scheme, 1989, by virtue of a valid licence issued by the State Transport Authority, Hyderabad. Thus, the petitioner is the owner of various vehicles including Mahindra XUV Car bearing registration No.TS-09-UA-4383. During the course of business, the said Car was rented out to one customer by name Akthar Ahmed for one day and the said customer did not return the Car as per the agreement. When the Car was not returned, a complaint was made before Madhapur Police Station who registered a case in FIR No.134 of 2016 on 08.03.2016 against the said Akthar Ahmed. During the course of investigation, it came to light that the said vehicle along with other vehicles were seized by the second respondent in respect of FIR No.29 of 2015 dated 25.02.2015 on the allegation that Red Sander Logs were being transported. On coming to know of the same, the petitioner approached the second respondent and the second respondent expressed his inability to release the vehicle stating that the case is being dealt with by the third respondent since the offence is relating to transportation of Red Sander Logs. When the petitioner approached the third respondent with a petition, the third respondent passed an order on 17.10.2016 refusing to release the vehicle since the vehicle was involved in a forest offence. Challenging the said proceedings, the present Writ Petition is filed.

A counter affidavit is filed on behalf of respondents 1 and 2 stating that on 25.02.2016 the petitioner's vehicle was seized along with eight (8) Red Sander Logs weighing about 30 Kgs., at Kampalli cross on Kadapa –

Rayachoty Main Road at 4.00 AM by the Inspector of Police, Kadapa Rural Circle along with Staff, Task Force and Forest Officials. Basing on the confessional statements of the apprehended persons, a case in Crime No.29 of 2016 dated 25.02.2016 was registered under various provisions of Indian Penal Code read with A.P. Forest Act and the Rules made thereunder. The investigation was handed over to the Forest Range Officer on 25.02.2016.

It is clear from the above facts that the vehicle was seized in respect of forest offence and the present order is passed by the third respondent. Since the enquiry under Section 44 (2E) of the A.P. Forest Act, 1967 is under process, he relied on a judgment of the Hon'ble Supreme Court reported in State of Karnataka v. K. Krishnan¹. If the petitioner is aggrieved by the said order, the petitioner should have approached the District Court as is provided under the said Section. Hence, it is open to the petitioner to prefer an appeal as provided in the said Section within a period of fifteen (15) days from the date of receipt of a copy of this order, if the petitioner is so advised.

With the above observation, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 25.01.2017
Nsr

¹ AIR 2000 Supreme Court 2729(1)