

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.40017 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

“..to issue an order/direction/any appropriate writ more particularly one in the nature of Writ of Mandamus declaring the action of 3rd respondent in confiscating the petitioner's Mahindra Xylo vehicle bearing Reg.No.AP-20TB-8733 vide Proc. In Rc.No.179/2017/S4, dated 03.10.2017 which was seized by the 4th respondent alleging that the same was used for illegal transport of Teak wood and further action of the 2nd respondent in not passing orders in the Appeal Dtd:02-11-2017 preferred by the petitioner for release of the above vehicle as illegal, unjust and in violation of Article 14, 19(1)(g) and 300-A of the Constitution of India and consequently direct the respondents herein to release the above vehicle forthwith in favour of the petitioner and to pass such other order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Heard the submissions of *Sri Jithender Rao Veeramalla*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Forests appearing for the respondents. I have perused the material record.

3. The facts, which are necessary to be stated as a prelude to this order, in brief, are as follows:

During patrolling at Pasra Check Post, the subject vehicle, that is, Mahendra Xylo vehicle bearing no. AP 20 TB 8733, which was found transporting 46 numbers of Teak Sizes, was seized by the Forest officials. Later, the vehicle was confiscated by orders, dated 03.10.2017, of the Forest Divisional Officer, Eturunagaram. By the said orders, the petitioner was informed that an appeal lies to the Conservator of

Forests, Warangal Circle. Accordingly, the petitioner preferred an appeal, on 02.11.2017, before the said authority.

4. The grievance of the petitioner is that the appeal is not being disposed of despite lapse of reasonable time and that the vehicle, which is lying idle at a place exposed to rain and inclement weather is getting damaged and the petitioner is suffering irreparable loss.

5. Learned Government Pleader submits that the appeal is preferred very recently and that the concerned authorities will dispose of the appeal in accordance with the procedure established by law.

6. Recording the said submissions, the Writ Petition is disposed of directing the 2nd respondent to dispose of the appeal of the petitioner, as expeditiously as possible, and preferably within six weeks from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

28th November, 2017

M. SEETHARAMA MURTI, J

Note:- Issue CC in three days

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