

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Writ Petition No.6990 of 2018

ORDER :

Heard the learned counsel for the petitioner and the learned Govt. Pleader for the Forest for respondents and perused the prayer in the Writ Petition with supporting affidavit and copy of the petition filed u/ sec.44 of the A.P.Forest Act,1967(for short, 'the Act') filed by the petitioners before the 2nd respondent-Divisional Forest Officer, dt.24.10.2017 stated pending.

The prayer in the Writ Petition reads as follows:-

“to issue a writ, order or direction more particularly one in nature of writ of Mandamus declaring the Special Proceedings dt.29.08.2017 of Respondent No.3 in detaining Vehicle bearing No.AP21 W 2445 as illegal and arbitrary and consequently set aside the same as against this petitioner and direct the Respondents 2 and 3 to release the Vehicle bearing No.AP 21 W 2445 belonging to Petitioner as against this petitioner and to pass such other order or orders”

U/ sec.44 of the Act for the forest offence covered by the crime, the Divisional Forest Officer, is competent to dispose of the property including any confiscation orders if at all require to pass.

Having regard to the above, there is nothing to keep the Writ Petition pending but for to dispose of directing the R.2-DFO to dispose of the petition pending with him either for any interim custody or for passing any final orders as the case may be on own merits after due enquiry preferably within two months from date of receipt of the order.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:05.02.2018
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