

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION Nos.7769 and 7785 of 2018

ORDER:

These Writ Petitions are filed by the petitioner-India Infoline Finance Ltd., under Article 226 of the Constitution of India, seeking a Writ of Mandamus to release the vehicles, TATA Ace HT BS-III bearing No.AP 25 X 8823 and TATA Super Ace 475 TSIC BSIII bearing No.AP 01Y 8185.

2. Heard learned counsel for the petitioner and learned Government Pleader for Forests appearing for official respondents before ordering notice to unofficial respondents and perused the prayer in the writ petitions with supporting affidavits and the written instructions placed by the learned Government Pleader.

3. The supporting affidavit averments of the petitioner-entity who financed to the unofficial respondents 4 and 5 respectively under the loan-cum-hypothecation agreements dated 31.07.2013 and 16.05.2013 bearing NOs.1000008085 and 1000003039 are that the unofficial respondents 4 and 5 who availed the loan in purchase of the vehicles supra committed default in payment and the petitioner is owner of the vehicles under Section 230 of the Motor Vehicles Act, 1988, that was seized by the official respondents, who are refusing to release the vehicles, despite representations made by the petitioner, which made them to maintain the writ petitions.

4. The written instructions placed by the learned Government Pleader show that the two vehicles covered by the two writ

petitions are involved in the forest offences punishable under Sections 20, 29 and 44 of the A.P.Forest Act, 1967, for illegal transportation of teak rough sizes of 20/ 1.637 cmt, worth Rs.1,22,775/- that were seized by the Forest Beat Officer, Echoda and produced before respondent No.2-Divisional Forest Officer through respondent No.3-Forest Range Officer and the same are in their safe custody and they are going to pass appropriate orders.

5. Having regard to the above, by recording the same, these Writ Petitions are disposed of because power conferred on the revisional forest under Section 44 of the Andhra Pradesh Forest Act, to pass final order for release of the vehicles including by imposing any penalty or confiscation or forfeiture as the case may be, by giving notice to the petitioner-financier vis-à-vis unofficial respondents, who availed the finance to ply the vehicle and after submission of their written objections if any by conducting enquiry by giving reasons preferably within two months from the date of receipt of copy of this order. Any further grievance of the petitioner is to maintain statutory right of appeal before the District Judge concerned.

6. Miscellaneous petitions pending, if any, shall stand closed.
No costs.

Dr. B. SIVA SANKARA RAO, J

Date: 09.03.2018

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