

THE HONOURABLE Dr.JUSTICE B. SIVA SANKARA RAO

Writ Petition No.8306 of 2018

ORDER :

Heard the learned counsel for the petitioner and the learned Govt. Pleader for Forest for the respondents and perused the prayer in the writ petition with supporting affidavit, and the material on record.

2. The prayer in the Writ Petition reads as follows:-

“To issue an appropriate writ or order or direction, more particularly, one in the nature of the Writ of Mandamus declaring the action of respondents in seizing the vehicle of the petitioner bearing Number as TS20T0609(Chassis No.WSCA61930931224, Engine No.47.5004/ SYA 00567), as illegal, unjust and contrary to the provisions of A.P.Forest Act, and Consequently, direct the respondents to release the vehicle forthwith to the petitioner and to pass such other order or orders.”

3. Undisputedly, the vehicle seized in the crime covered by the Forest Act, in Cr.No.POR 2251/ 23,dt.19.03.2008 u/ sec.20(1)©(i), (ii), (iii), (vii) and (x) u/ sec.44(2-a) and 52 r/w 58 of the A.P.Forest Act, 1967 and also u/ sec.3 of PDPP Act, 1984 and u/ sec.2(15), 2(37) r/w 51 (1) of Wild life Protection Act, 1972. Once such is the case, as held by this Court in W.P.No.3582 of 2018, dt.09.03.2018, the competent authority to deal with, that too, when vehicle is produced u/ sec.44 of the Act, before the Forest Officials, is the District Forest officer, to pass orders of seized vehicle for disposal either to release by imposing any penalty or otherwise or to confiscate or to forfeit, as the case may be.

4. Accordingly and in the result, the Writ Petition is disposed of with a direction to the petitioner with an application to approach the District Forest Officer who got jurisdiction to pass property disposal orders either interim or final and the District Forest Officer is directed to pass appropriate orders on own merits within six weeks from date of receipt of the order. Any further grievance of writ petitioner is to approach the District Court by statutory civil appeal. Miscellaneous petitions, if any, pending shall stand closed.

Date:14.03.2018
vvr

Dr. B.SIVA SANKARA RAO J,