

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.38303 OF 2018

ORDER:

The present writ petition came to be filed seeking a direction to the respondents to release the vehicle bearing No.T.S.08 UB 8357 vide Engine No.BGH021848P, Chassis No.MB1AA22E3GRB32371 to the petitioner company.

The averments made in the writ affidavit show that an amount of Rs.4,73,195/-, was financed by the petitioner company to the respondents 3 and 4, by entering into loan hypothecation agreement dated 30.6.2016, wherein the respondents 3 and 4 agreed to repay the said amount in equaled monthly installments i.e @ Rs.13,858/- per month. The respondents 3 and 4, failed to adhere to the terms of loan hypothecation agreement dated 30.6.2016 and thus defaulted and neglected to pay several EMIs and that the respondents 3 and 4 committed the breach of terms of the loan hypothecation agreement dated 30.6.2016. While things stood thus, petitioner company came to know that the above said vehicle was involved in a forest offence and the respondents 1 and 2 seized the same and that it is under the custody of the 2nd respondent. It is further stated that in spite of several visits to the respondents 1 and 2 and requesting them to release the subject vehicle, the respondents 1 and 2, are not considering and releasing the same.

Learned Government Pleader for Forest would submit that since the subject vehicle was involved in a forest offence, it was kept under the custody of the 2nd respondent and that the petitioner may make an application to the 2nd respondent, seeking release of the subject vehicle.

Having regard to the above, the writ petition is disposed of directing the petitioner to make an application for release of the subject vehicle before the concerned Forest Officer, in which event, the authority

concerned shall deal with the same and pass appropriate orders, in accordance with law after giving reasonable opportunity of hearing to the petitioner and all concerned, as early as possible, preferably within a period of six weeks from the date of submission of the application. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

C. PRAVEEN KUMAR, J

Dated:24.10.2018.
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