

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.39943 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the respondents 2 and 3, in seizing the vehicle JCB bearing No.JS140 of the 1st petitioner, on the allegation of excavating the earth in the Forest Land as wholly, illegal and arbitrary.

When the matter is taken up for hearing, the learned counsel for the petitioner submits that the above said JCB was seized and produced before the 2nd respondent-D.F.O. If it is kept idle, there is every possibility of getting the said vehicle damaged due to exposure to sun and rain.

On the other hand, the learned Government Pleader for Forest would contend that since the proceedings are pending before the 2nd respondent-D.F.O, the 1st petitioner herein may be permitted to make an application, in which event, the 2nd respondent will consider the same and pass appropriate orders, in accordance with law.

Having regard to the above, the writ petition is disposed of directing the 1st petitioner, who is the owner of the vehicle JCB bearing No.JS140, to make an application before the 2nd respondent-D.F.O, seeking release of the vehicle, in which event, the 2nd respondent-D.F.O, shall deal with the same and pass appropriate orders, in accordance with law, on the same day. It is needless to mention that the release of the subject vehicle, shall only be pending enquiry. 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

Date:06.11.2018.
Gk

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