

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION No.35144 of 2017**

**ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

**“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon’ble court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of the respondents 1 & 2 in seizing and detaining the vehicle TATA Ace bearing No. AP 31 Y 6002 and not considering the request for grant of interim custody of the vehicle as arbitrary, illegal and consequently direct the respondents to release the vehicle TATA Ace bearing No. AP 31 Y 6002 forthwith by way of interim custody to the petitioner in the interest of justice.”**

(Reproduced verbatim)

**2.** I have heard the submissions of Sri *P.Nagendra Reddy*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Forest appearing for the respondents 1 to 3. I have perused the material record.

**3.** The case of the petitioner is that the subject vehicle has been seized by the respondents 1 & 2 and is detained while allegedly transporting 12 bags of beedi leaves and that beedi leaves will be supplied generally to the Karkhana after storing them in the godown and that there is no illegality in transporting beedi leaves and that the vehicle as well as the beedi leaves are not released despite the petitioner expressing willingness to produce sufficient sureties and, hence, the present writ petition is filed for release of the vehicle.

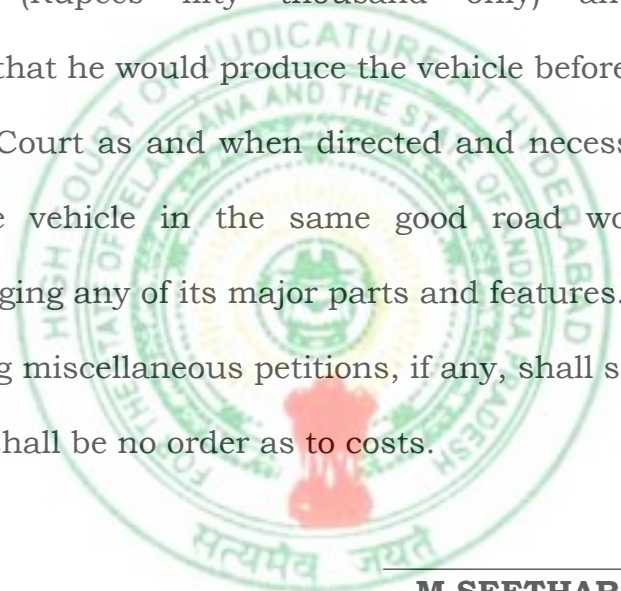
**4.** Learned Government Pleader appearing for the respondents 1 to 3 would submit that proceedings under Section 44 of the Forest

Act are also initiated and that there is also a contempt case pending and, hence, the vehicle may not be granted interim custody to the petitioner and that in case the vehicle is granted interim custody, appropriate conditions may be imposed.

**5.** Recording the submissions, the Writ Petition is disposed of directing the first respondent to release the vehicle i.e., TATA Ace bearing No.AP 31 Y 6002 and give interim custody of the same to the petitioner on the petitioner producing proof of identity and vehicular documents and on furnishing a bank guarantee for Rs.50,000/- (Rupees fifty thousand only) and on further undertaking that he would produce the vehicle before the competent authority or Court as and when directed and necessary and would maintain the vehicle in the same good road worthy condition without changing any of its major parts and features.

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.



**M.SEETHARAMA MURTI, J**

Date: 4<sup>th</sup> January, 2018

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**Note:** Issue C.C. on 11.01.2018.

(B/o.)

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