

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 2203 of 2019

O R D E R:

Petitioner asserts that he is the owner of vehicle bearing No.TS 25 T 2134; that the respondents seized the said vehicle on the ground that he was transporting forest produce valued at Rs.88,858/-; that under Section 44 of the Forest Act, 1967 (for short 'the Act'), there is power conferred on an Officer not below the rank of Assistant Conservator of Forests to compound the offence where the offender agrees in writing forthwith to get the offence compounded; that in terms of Section 44(2) of the Act, the authority is required to exercise his power subject to the condition that the offence is compoundable; that an enquiry is also contemplated under Section 44 of the Act and that such enquiry is required to be completed expeditiously. In the circumstances, he approached this Court by way of filing this Writ Petition.

Heard learned counsel for the petitioner and learned Government Pleader for Forests appearing for the respondents.

In this case, the seizure of the subject vehicle took place on 24.10.2018. The Honourable Supreme Court in a catena of judgments held that seizure of a vehicle and keeping the same idle without passing orders, thereby causing deterioration of the same as it is being exposed to rain and damp weather, would not enure to the benefit of anyone.

In those circumstances, the writ petition is disposed of with the direction to respondent Nos.2 and 4 to take immediate steps and complete the enquiry within a period of four weeks from the date of receipt of a copy of this order. If for any reason, respondent Nos.2 and 4 are not the authorised officers, they shall forward the file to the competent authority with a request to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order. It is made clear that in the event the offence is compoundable and the petitioner comes forward for compounding the offence by paying fee in terms of the Compounding Regulations, the authority concerned shall exercise powers and release the subject vehicle to the petitioner.

The miscellaneous Applications, if any pending in this Writ Petition shall also stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:06.02.2019

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