

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.20101 of 2019

ORDER:

The petitioner's vehicle bearing No.MH-34-AB-7013 was seized by the forest officials in the year 2015 for allegedly transporting teak wood, and a case came to be registered under Sections 2(A), 2(B) of Section 44 of the A.P. Forest Act. Thereafter, a Show Cause notice dated 11.08.2015 was issued to the petitioner asking to show cause as to why the seized vehicle should not be confiscated to Government, as per law. The petitioner submitted his reply on 28.08.2015. As there was no response from the respondent authorities, the petitioner filed several representations, including a petition dated 31.07.2015, under Section 457 of Code of Criminal Procedure, requesting to release his vehicle for interim custody. Thereafter, on 30.05.2019, the petitioner submitted an application under Right to Information Act, 2005, with regard to the status of the forest offence case registered against him in 2015. The respondent authority issued a reply on 17.07.2019 stating that the case is under investigation.

Heard the learned counsel for the petitioner, and the learned Government Pleader for Forests.

It is a case where, even as per the instructions of Forest Divisional Officer, Adilabad, the Show Cause notice was issued to the petitioner on 11.08.2015, and the petitioner had submitted his representation to the Show Cause notice on 28.08.2015 under the acknowledgment of

Divisional Forest Officer. There is no explanation forthcoming from the respondents as to why final orders have not been passed.

As the vehicle has been seized for unduly long period without passing final orders, and considering the fact that the vehicle seized and kept idle for long period is likely to deteriorate in every respect rendering it unfit for use, there shall be a direction to the 5th respondent-Divisional Forest Officer, to forthwith release the vehicle subject to the condition of the petitioner depositing Rs.10,000/- by way of Fixed Deposit Receipt in favour of the 5th respondent.

As the learned Government Pleader asserts that final orders would be passed within ten days time, the 5th respondent may pass final orders as well within ten days from the date of receipt of a copy of this order, by affording an opportunity of hearing to the petitioner or his representative before passing final orders.

With the above direction, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

21st October, 2019

KSM

CHALLA KODANDA RAM, J

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