

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19970 of 2019

ORDER:

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

“...to issue a writ order or direction more particularly one in the nature of writ of Mandamus to declare the action of the Respondent No.3 in compounding under Section 59 for the offence under Section 20(1) (c) (ii) (iii) (iv) (vii) and (ix) of T.S. Forest Act, 1967, by imposing a sum of Rs.3,55,590/- towards compensation against the petitioner herein vide in their Order in Rc.433/2019/B8, dated 01.08.2019, as illegal, arbitrary, excessive and contrary to the law and violation of Article 14 and 21 of the Constitution of India, and consequently, direct the Respondent No.3 to release the Johndeer Tractor bearing No.TS 16 EU 1735 along with Blade and ploughing instruments to the Petitioner herein.”

2. Heard Sri Boggula Raju, learned counsel for the petitioner, and the learned Government Pleader for Forest. Perused the material available on record.

3. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle; that the petitioner is eking out his livelihood by giving the said vehicle on hire; that the amount of penalty is excessive and as such the petitioner is unable to pay the same; that even though the petitioner filed an appeal before the 2nd respondent in the month of August, 2019, for release of the vehicle, till date no orders are passed thereon and if the vehicle is kept idle for a long period, there is every possibility of getting it damaged.

4. Though the learned counsel for the petitioner submitted that the penalty amount is excessive, as there is an appeal pending before the 2nd respondent, it would be suffice if the 2nd respondent is directed to dispose of the appeal within a period of two weeks without fail.

5. Hence, the Writ Petition is disposed of directing the 2nd respondent-Chief Conservator of Forest, Nizamabad Circle, to dispose of the appeal filed by the petitioner, in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order. No order as to costs. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

CHALLA KODANDA RAM, J

September 20, 2019
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