

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 12212 OF 2020

Between:

Chinnam Satyanarayana alias Rajura Satyam, s/o. Peddanna, aged about 40 years, resident of Rajoo Nagar, Khanapur, Nirmal District (Erstwhile Adilabad District), Telangana State

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary to Government, Environment, Forests, Science and Technology Department, Telangana Secretariat, Hyderabad - 500 022.
2. The Principal Chief Conservator of Forests and Head of the Forest Force (HoFF), Telangana, Aranya Bhavan, Saifabad, Hyderabad -500 004
3. The Conservator of Forests, Adilabad Circle, Adilabad, Telangana State.
4. The Authorized Officer and Forest Divisional Officer, Khanapur, Adilabad District, Telangana State.
5. The District Forest Officer, Nirmal District, Nirmal, Telangana State.
6. The Forest Range Officer, Khanapur Range, O/o. the Forest Divisional Officer, Khanapur, Adilabad District, Telangana State

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of a Writ of Mandamus declaring the action of respondents in issuing impugned proceedings bearing Rc.No.723/2019-20/K3 dated 02.07.2020 of the fourth respondent/authorized officer in confiscating the petitioner's Tata Vehicle 407 EX2 Van bearing No.TS18T-1804 together with seized timber as arbitrary, illegal, against the principles of natural justice and against Section 29 (4) (a) (ii) of the Forest Act, 1967 and as the petitioner has proved that he is not involved in the commission of forest offence and set aside the same and consequently direct the respondents to release the petitioner's Tata Vehicle 407 EX2 Van bearing No.TS 18T-1804 together with seized timber

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend operation of the impugned proceedings bearing Rc.No.723/2019-20/K3 dated 02.07.2020 issued by fourth respondent/authorized officer and direct the

respondents to release the petitioner's Tata Vehicle 407 EX2 Van bearing No.TS18T-1804 forthwith on any bank guarantee or any other undertaking to be furnished by the petitioner, pending disposal of the above writ petition

Counsel for the Petitioner: SRI G. RAMAN GOUD

Counsel for Respondents: GP FOR FORESTS

The Court made the following: ORDER

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12212 of 2020

ORDER:

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

It is a case where the petitioner challenges the confiscation order dated 02.07.2020 made under the Forests Act. It is his case that he had filed an appeal on 25.07.2020 against the confiscation order along with a stay application, however, no orders were passed on the same.

As it is likely to take some time for passing orders on account of the COVID-19 situation, the petitioner prays for release of his vehicle pending passing of orders in the appeal, and the petitioner is ready to abide by the conditions as may be imposed by this Court.

On the other hand, learned Government Pleader opposes the writ petition and submits that once confiscation orders are made, the right in the property vests with the State and in those circumstances, no release order may be made at this stage. Learned Government Pleader also submits that the appellate authority may be directed to dispose of the appeal within a time bound manner so as to give finality to the issue.

Having regard to the respective submissions, there being no dispute that confiscation order has been made and there being no dispute that, at this point of time on account of COVID-19 situation, it would take time for disposing the appeal, and as no useful purpose would be served by keeping the vehicle in the premises of respondent authority, exposing the vehicle to sun and rain which would deteriorate the value of the vehicle, in the light of the guidance of the Hon' ble Supreme Court in

various judgments that seized vehicle may be released during pendency of proceedings by imposing appropriate conditions, considering the facts and circumstances of the present case, the respondent authorities are directed to shall release the vehicle of the petitioner i.e., TATA Vehicle bearing No.TS-18-T-1804, subject to the petitioner furnishing Fixed Deposit Receipt or Bank Guarantee for the value of the vehicle as assessed by the Motor Vehicle Inspector of Nirmal District.

Subject to the above, the writ petition is disposed of. It is made clear that the release of vehicle is subject to the orders to be passed in the appeal pending before the appellate authority. No costs. Miscellaneous petitions, if any pending, shall stand closed.

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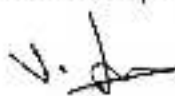
Sd/-K.MURALI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Environment, Forests, Science and Technology Department, State of Telangana Telangana Secretariat, Hyderabad - 500 022.
2. The Principal Chief Conservator of Forests and Head of the Forest Force (HoFF), Telangana, Aranya Bhavan, Saifabad, Hyderabad -500 004
3. The Conservator of Forests, Adilabad Circle, Adilabad, Telangana State.
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5. The District Forest Officer, Nirmal District, Nirmal, Telangana State.
6. The Forest Range Officer, Khanapur Range, O/o. the Forest Divisional Officer, Khanapur, Adilabad District, Telangana State
7. One CC to Sri G. Raman Goud Advocate [OPUC]
8. Two CCs to GP for Forests, High Court for the State of Telangana (OUT)
9. Two CD Copies

MBC



HIGH COURT

CKR,J

DATED: 07/08/2020



ORDER

WP.No.12212 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(11) VW
13/8/20