

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO
PRESENT**

**THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI
WRIT PETITION NO: 46354 OF 2022**

Between:

Moketi Poshetty, s/o. Mogulaiah, r/o. H.No. 1-106, Chandur village and Mandal,
Nizamabad District, Telangana.

...PETITIONER

AND

1. State of Telangana, rep. by its Principal Secretary, Forest Department, Secretariat, Hyderabad.
2. The District Forest Officer, Nizamabad Division, Nizamabad District. Telangana.
3. The Forest Range Office, Varni Range, Nizamabad Division, Nizamabad District, Telangana.

...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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in failing to release of the seized vehicle (Jhon Deere Tractor) bearing No. TS16 FF 5929, pursuant to the Registration of POR No. 24/44, dated 04.08.2022 by the Respondent No. 3 as illegal, arbitrary and contrary to the Provisions T.S. Forest Act 1967 and consequently direct the Respondents 2 and 3 to forthwith release the petitioner's seized vehicle mentioned above on such terms and conditions in the interest of justice

IA NO: 1 OF 2022

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 direct the Respondents 2 and 3 to forthwith release the Petitioner's vehicle (Jhon Deere Tractor) bearing No. TS16 FF 5929 seized pursuant to the Registration of POR No. 24/44, dated 04.08.2022 on such terms and conditions in the interest of Justice,

Counsel for the Petitioner(s):SRI. MADAS BHARATH CHANDRA

Counsel for the Respondents: GP FOR FORESTS

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

WRIT PETITION No.46354 of 2022

ORDER:

This Writ Petition has been filed seeking a Writ of Mandamus, declaring the action of the respondents in not releasing the seized vehicle (Jhon Deere Tractor) bearing No.TS16 FF 5929 as illegal and arbitrary.

2. Learned counsel for the petitioner submitted that the petitioner had approached the lower court for the release of the vehicle, but the lower court has observed that the custody of the vehicle has not been given to the Court and accordingly, the Crl.M.P filed by the petitioner was dismissed and therefore, the petitioner has approached this Court for release of the vehicle.

3. Learned Government Pleader for Forests, on written instructions, submitted that the seized tractor bearing No.TS16 FF 5929 has already been produced before the 1 Additional Judicial First Class Magistrate Court, Bodhan, and that the

petitioner has to make an application for release of the Vehicle to the Criminal Court.

4. The learned Government Pleader has produced a copy of the letter dated 02.11.2022, addressed to the I Additional Judicial First Class Magistrate Court, handing over the custody of the vehicle and the same is received at 4.50 p.m on 02.11.2022. It is also submitted that a copy of Form 60 is also filed along with this letter. In view of these documents, it appears that these documents were not in the knowledge of the I Additional Judicial First Class Magistrate Court, when the matter was taken up for release of the vehicle.

5. In view of the above facts, it is clear that the vehicle is under the custody of the I Additional Judicial First Class Magistrate Court and the petitioner is at liberty to approach the I Additional Judicial First Class Magistrate Court again for release of the vehicle by making appropriate application, which shall be considered in accordance with law.

6. Accordingly, the Writ Petition is closed. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall also stand closed.

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. MADAS BHARATH CHANDRA Advocate [OPUC]
2. Two CCs to GP FOR FORESTS ,High Court for the State of Telangana. [OUT]
3. Two CD Copies

HIGH COURT

PMD,J

DATED:29/12/2022



ORDER

WP.No.46354 of 2022

**WP IS CLOSED
WITHOUT COSTS**