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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 2464 of 2023

Shanthi .. Petitioner

Versus

The Forest Range Officer
Chennai Division
Headquarters Forest Range
Chennai 600 006 .. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to issue show cause notice and conduct enquiry as contemplated under Section 49B of the Forest Act, 1882 in respect of the petitioner vehicle "TATA LPT 1212 CR X 42WB BS IV" Goods Carrier bearing Registration No.TN 18 AV 8824, Engine No.497TC41FPY822937, Chassis No.MAT544022K7F13954.

For Petitioner : Mr.R.Muthukumar

For Respondent : Mrs.R.Anitha
Special Government Pleader

ORDER

This Petition has been filed seeking to issue show cause notice and conduct enquiry as contemplated under Section 49B of the Forest Act, 1882 in respect of the petitioner vehicle "TATA LPT 1212 CR X 42WB BS IV"

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Goods Carrier bearing Registration No.TN 18 AV 8824, Engine No.497TC41FPY822937, Chassis No.MAT544022K7F13954.

2. The grievance of the writ petitioner is that he is the owner of the subject vehicle, he has leased out the vehicle to one Mr.Venkatesh. When the matter stood thus, on 27.11.2021, the respondent seized the Vehicle with Red Sanders Logs for the alleged offence under Sections 35 and 35(b) of Tamil Nadu Forest Act, 1968 and Rule 9 of Timber Transit Rules and was produced before the II Metropolitan Magistrate, Egmore, Chennai. When the petitioner has filed an application for return of vehicle, the respondent objected that confiscation proceedings has been initiated under Section 49A of Forest Act, 1882 and the application was dismissed on 22.04.2022. However, no such proceedings has been initiated.

3. Mrs.R.Anitha, learned Special Government Pleader takes notice for the respondent and submitted that the respondent had already initiated the confiscation proceedings and they had issued a notice to the petitioner on 18.03.2022. However, the petitioner has not responded to the above notice.

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4. Such view of the matter, this Court is of the view that the petitioner may make objection or counter within a week from the date of receipt of a copy of this Order to the concerned department with regard to the notice dated 18.03.2022. Based on that objection / counter, the respondent shall conclude the proceedings within a period of three months thereafter.

5. With the above directions, this writ petition stands disposed of. No costs.

01.02.2023

dhk
Index : Yes / No
Speaking Order : Yes / No

To

The Forest Range Officer
Chennai Division
Headquarters Forest Range
Chennai 600 006

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N.SATHISH KUMAR, J.

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