

[3303]

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

WEDNESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 10228 OF 2023

Between:

1. Peddakasu Srinu, S/o. Ellaiah aged about 34 years, Occ. Driver of the Vehicle No.AP 15 AC 5724 R/o. Eeshwaragude, Kothaguda Mandal, Mahabubad District
2. Peddakasu Nagaraju, S/o. Ellaiah aged about 32 years, Occ. Owner of the Vehicle No.AP 15 AC 5724 R/o. Eeshwaragude, Kothaguda Mandal, Mahabubad District
3. Kathula Sarangapani, S/o. Narsaiah aged about 42 years, Occ. Driver/Owner of the Vehicle No. TS 24 A 5462 R/o. Eeshwaragude, Kothagudam Mandal, Mahabubad District

...PETITIONERS

AND

1. The State of Telangana, Rep by its Prl. Secretary, Forest Dept., Secretariat Buildings, Saifabad, Hyderabad
2. The District Forest Officer, (DFO) Kothagudam, Mahabubad District
3. The Forest Range Officer, (FRO) Karilai Range, Kothaguda, Mahabubad District
4. The Forest Section Officer, Karilai Range, Kothaguda, Mahabubad District

...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 Writ of Mandamus, declaring the action of the Respondents in seizing the Vehicles of the petitioners bearing No. AP 15 A C 5724, (Dozar Blade Tractor) belonging to the 1st and 2nd petitioners, TS 24 A 5462 (Dozar Blade Tractor) belonging to the 3rd petitioner herein which are seized by the respondents herein U/Sec.20 (1)(c) (ii) (iii) (iv) (vii) and (ix) of Telangana Forest Act. 1967 Et U/s.27, 29 Et 31 of Wild Life Protection Act. 1972, vide CC No. 363 of 2021, on the file of the court of the JFCM, at Narasampet in connection with preliminary offence report No. 2589/52, dt.11-04-2021, stating that the petitioners illicit clearance of forest trees and bush growth and disturbed the habitation of wild life in RF compartment No.1017 of Beat Thirumalagandi, Section, Karilai Section, Kothaguda Range of Mahaboobad district

erstwhile Warangal district and consequently direct the respondent to release the above petitioner's vehicles to the petitioners forthwith.

IA NO: 1 OF 2023

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 respondent to release the petitioner's vehicles bearing No. AP 15 A C 5724, (Dozar Blade Tractor) belonging to the 1st and 2nd petitioner, TS 24 A 5462 (Dozar Blade Tractor) belonging to the 3rd petitioner herein which are seized by the respondents herein U/Sec.20 (1)(c) (ii) (iii) (iv) (vii) and (ix) of Telangana Forest Act. 1967 Et U/s.27, 29 Et 31 of Wild Life Protection Act. 1972, vide CC No. 363 of 2021, on the file of the court of the JFCM, at Narasampet in connection with preliminary offence report No.2589/52, dt.11-U4-2021 to the petitioners forthwith pending disposal of the main Writ petition.

**Counsel for the Petitioners: SRI SETTY RAVI TEJA FOR
SRI. SAMBASHIVA RAO MASHIRAPU**

Counsel for the Respondent Nos.1 to 4: AGP FOR FORESTS

The Court made the following: ORDER

HON'BLE SRI JUSTICE J.SREENIVAS RAO

W.P. No.10228 OF 2023

ORDER:

This writ petition is filed seeking Writ of Mandamus declaring the action of the Respondents in seizing the Vehicles of the petitioners bearing No.AP 15 A C 5724(Dozar Blade Tractor) belonging to the 1st and 2nd petitioners, TS 24 A 5462(Dozar Blade Tractor) belonging to the 3rd petitioner herein which are seized by the respondents herein U/Sec 20 (1)(c)(ii)(iii)(iv)(vii)and (ix) of Telangana Forest Act, 1967 and U/s. 27, 29 & 31 of Wild Life Protection Act, 1972 vide CC. No.363 of 2021, on the file of the court of the JFCM, at Narasampet in connection with preliminary offence report No.2589/52, dt. 11-04-2021, stating that the petitioners illicit clearance of forest trees and bush growth and disturbed the habitation of wild life in RF compartment No.1017 of Beat Thirumalagandi Section, Karlai Section, Kothaguda Range of Mahaboobad district erstwhile Warangal district and consequently direct the respondent to release the above petitioner's vehicles to the petitioners forthwith.

2. Heard Sri Setty Ravi Teja, learned counsel representing Sri Sambashiva Rao Mashirapu, learned counsel for the petitioners and learned Assistant Government Pleader for Forest appearing for respondent Nos.1 to 4.

3. Learned counsel for the petitioners submits that respondents seized the petitioners' vehicles bearing No.AP 15 AC 5724(Dozar Blade Tractor) belonging to petitioner Nos.1 and 2 and TS 24 A 5462(Dozar Blade Tractor) belonging to the petitioner No.3 on 11.04.2021 without following the provisions of Telangana State Forest Act, 1967.

4. Per contra, learned Assistant Government Pleader for Forests submits that respondents seized the petitioners' vehicles because the petitioners committed forest offence and after following the provisions of Telangana Forest Act, 1967 and Wild Life Protection Act, 1972 initiated the proceedings and filed charge sheet and the same was numbered as CC.No.363 of 2021 on the file of learned Junior First Class Magistrate at Narasampet. The vehicles are in the custody of Forest Divisional Officer Kothaguda Range.

5. In view of the submissions made by the respective counsels, the writ petition is disposed directing the respondents to release the petitioners' vehicles bearing No.AP 15 AC 5724(Dozar Blade Tractor) belonging to petitioner Nos.1 and 2 and TS 24 A 5462(Dozar Blade Tractor) belonging to the petitioner No.3 subject to the petitioners furnishing Fixed Deposit Receipt from any nationalized bank to an extent of value of the vehicle assessed by

the Motor Vehicle Inspector and an undertaking that the petitioners shall produce the vehicles whenever required by the concerned officials and also not to create any third parties rights over the subject vehicles.

6. Accordingly, the writ petition is disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

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SD/- MOHD.ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Forest Department, State of Telangana, Secretariat Buildings, Saifabad, Hyderabad
2. The District Forest Officer, (DFO) Kothagudam, Mahabubad District
3. The Forest Range Officer, (FRO) Karilai Range, Kothaguda, Mahabubad District
4. The Forest Section Officer, Karilai Range, Kothaguda, Mahabubad District
5. One CC to SRI. SAMBASHIVA RAO MASHIRAPU Advocate [OPUC]
6. Two CCs to GP for Forests, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

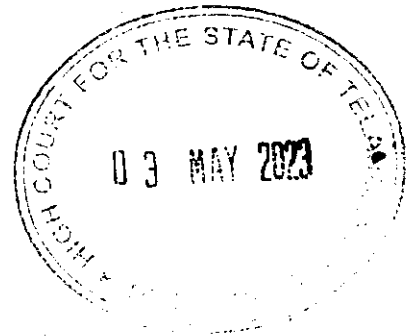
CHR
SW 

HIGH COURT

DATED:26/04/2023

ORDER

W.P.No.10228 of 2023



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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3/5/23