APHC010177482022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3396]**
(Special Original Jurisdiction)

MONDAY, THE 16th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 12069/2022

Between:

1. SETTURI MAHABOOB BASHA/BANGARU BASHA, S/O. MABHUSHA, AGED 44 YEARS, OCC. BUSINESS, R/O. H.NO. 1-95, CHINNA VANGALI VILLAGE, CHAGALAMARRI MANDAL, KURNOOL DISTRICT.

...PETITIONER

AND

1. THE CONSERVATOR OF FOREST, KURNOOL CIRCLE, KURNOOL DISTRICT.
2. THE AUTHORIZED OFFICERCUMSUBDIVISIONAL FOREST OFFICER, RUDRAVARAM, KURNOOL DISTRICT.
3. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FOREST DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

...RESPONDENT(S):

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 to declare the action of the Respondent No.2 in confiscating the vehicle of the Petitioner Bolero Pickup No. AP TD-0643 vide proceedings in Cr.No.94/2018/Sub-DFO/RVM dated 16-08-2021 and the consequential orders of the 1st Respondent vide proceedings No.3584/2021/ M6 dated 13-12-2021 rejecting the appeal and confirming the orders of the 2nd Respondent as arbitrary, illegal, contrary to the Sec.44 of Forest Act and violation of Article

14 and 19 of Constitution of India and consequently set aside the proceedings in Cr.No.94/2018/ Sub-DFO/RVM dated 16-08-2021 passed by the 2nd Respondent and the consequential proceedings No.3584/2021/ M6 dated 13-12-2021 passed by the 1st Respondent 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 to forthwith pay and release of pending bill an amount of Rs.10,40,934/- (Rupees Ten Lakhs Forty Thousand Nine Hundred and Thirty Four Only) along with interest of 12% p.a. to the petitioner, pending disposal of the above writ petition and to pass such

IA NO: 2 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 vacate the interim orders granted on 04-05-2022 in IA 1/2022 in WP. 12069/2022 and dismiss the writ petition

Counsel for the Petitioner:

1. P NAGENDRA REDDY

Counsel for the Respondent(S):

1. GP FOR FORESTS

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 12069 of 2022

ORAL ORDER:-

1. This Writ Petition is filed seeking to declare the action of Respondent No.2 in confiscating the petitioner's Bolero Pickup vehicle bearing No. AP TD-0643, vide proceedings in Cr.No.94/2018/Sub-DFO/RVM, dated 16-08-2021, and the order of Respondent No.1 in Proceedings No.3584/2021/M6, dated 13-12-2021, rejecting the petitioner's appeal and confirming the confiscation order, as illegal, arbitrary and contrary to Section 44 of the Forest Act and violative of Articles 14 and 19 of the Constitution of India.

2. Heard Sri P.Nagendra Reddy, learned counsel for the petitioner and Ms.K.Siva Jyothi, learned Assistant Government Pleader for Forests for the respondents.

3. Learned counsel for the petitioner would submit that, basing on the confession of the co-accused that the subject vehicle was used for transporting Red Sanders, the Forest Authorities have confiscated the vehicle. Learned counsel would further submit that a crime was registered against the petitioner. The vehicle was produced before the District Forest Officer, who issued a show-cause notice to the petitioner. The petitioner submitted his explanation and, without considering the said explanation, the vehicle was ordered to be confiscated. Aggrieved thereby, the petitioner preferred an appeal, wherein the order of the District Forest Officer was confirmed. Dissatisfied with the order of the appellate authority, the petitioner approached

this Court. At the time of admission, as an interim measure, this Court passed an order directing the Forest Authorities to give interim custody of the vehicle to the petitioner, subject to certain conditions.

4. Learned Assistant Government Pleader for Forests would submit that the subject vehicle was given to the petitioner as interim custody in obedience to the orders of this Court. She would further submit that, after due investigation, the police filed a charge sheet relating to Cr.No.96 of 2018 of Chagalamarri P.S. The learned Magistrate has taken cognizance of the offences under Sections 379 and 120(b) of IPC, Sections 20(i)(c)(ii)(iii)(iv)(x) and 29(2)(b)(4)(a)(i)(ii)(b) of the Andhra Pradesh Forest Act Amendment Act, 2016, Rule 3 of the Andhra Pradesh Sandal Wood and Red Sander Wood Transit Rules, 1969, and Section 3 of the P.D.P.P. Act, in C.C. No.506 of 2018, which is pending before the Court of the learned Judicial First Class Magistrate, Allagadda. Learned Assistant Government Pleader for Forests would further submit that this Court may pass appropriate orders, since the matter is pending before the learned Magistrate.

5. Learned counsel for the petitioner would submit that, as the District Forest Officer has ordered confiscation of the vehicle, this Court may pass appropriate orders, giving liberty to the petitioner to submit his objections before the learned Magistrate Court, where the case is pending.

6. In the light of the submissions made, since the matter is pending before the learned Magistrate Court, the confiscation order passed by the District Forest Officer shall be subject to the result of C.C. No.506 of 2018.

Accordingly, the Writ Petition is disposed of. However, the petitioner is at liberty to take all such defences as are available to him before the learned Magistrate Court. The learned Magistrate Court, while deciding C.C. No.506 of 2018, may pass appropriate orders relating to the property seized by the authorities in this matter. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed. Interim orders, if any, deemed to have been vacated.

Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 16.11.2026.
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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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Dt.16.11.2026

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