

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

**FRIDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION NO: 8733 OF 2023

Between:

Irpa Muthaiah, S/o. Laxmaiah, aged 40 years, Owner of the motor Cycle bearing No. TS-28-C-2915, R/o. H.No. 5-137, Chinnamidisileru Village, Charla Mandalam, Bhadravati Kothagudem District.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Forest Department Secretariat, Hyderabad.
2. The Deputy Range Officer, Charla, Bhadravati Kothagudem District.
3. The Forest Range Officer, Charla Range, Charla, Bhadravati Kothagudem District.
4. The Forest Beat Officer, Charla, Bhadravati Kothagudem 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 particularly 3rd respondent in Bearing No. TS-28-C-2915 and kept in his custody from 03.11.2022 without having any valid reasons and without having any crime against the petitioner or petitioner vehicle is illegal and void and against to the principles of natural justice and opposed to Articles 14, 19 and 21 of the Constitution of India and consequently direct the 3rd respondent to release the petitioner vehicle i.e., Hero Honda Motor Cycle Bearing No. TS-28-C-2915 immediately, in the interest of justice.

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 respondents particularly 3rd respondent to handover the Herc Honda Motor Cycle Bearing No. T 3-28-C-2915 to the petitioner forthwith pending disposal of the main writ petition.

Counsel for the Petitioner: SRI PENUBALLI RAMESH BABU

Counsel for the Respondents: AGP FOR FORESTS

The Court made the following: ORDER

HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.8733 of 2023

ORDER:

This writ petition is filed seeking writ of Mandamus declaring the action of respondents particularly respondent No.3 in highhandedly take away the petitioner vehicle Hero Honda Motor Cycle bearing No. TS-28-C-2915 and kept in his custody from 03.11.2022 without having any valid reasons and without having any crime against the petitioner or petitioner vehicle is illegal and void and against the principles of natural justice and consequently direct the respondent No.3 to release the subject vehicle.

2. Heard Sri P.Ramesh Babu, learned counsel for the petitioner and learned Assistant Government Pleader for Forests appearing on behalf of the respondent Nos.1 to 4.

3. Learned counsel for the petitioner submits that respondent No.3 seized the vehicle of the petitioner without following the due procedure under the provisions of Telangana Forest Act, 1967(hereinafter referred to as 'the Act' for brevity) and the vehicle

is under his custody since 03.11.2022. Learned counsel for the petitioner requests the Court to direct the respondent No.3 to release the vehicle.

4. Learned Assistant Government pleader submits that respondent No.3 after following the due procedure as contemplated under the Act seized the vehicle. The proceedings POR No.32/2022-23, dated 03.11.2022 is pending before the Judicial First Class Magistrate, Bhadrachalam and the petitioner is not entitled to seek release of the vehicle in the present writ petition.

5. Having considered the rival submissions made by the respective parties, the writ petition is disposed of, directing respondent No.3 to release the petitioner's vehicle i.e., Hero Honda Motor Cycle bearing No. TS-28-C-2915, subject to condition of petitioner furnishing Fixed Deposit Receipt from any Nationalized bank to the extent of value assessed by the Motor Vehicle Inspector and also giving an undertaking not to create any third party rights and also to produce the vehicle whenever is required by the concerned officer till the proceedings are finalized.

6. With the above said direction, the writ petition is disposed of.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition, shall stand closed.

SD/- P. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Forest Range Officer, Charla Range, Charla Bhadravati Kothagudem District.
2. One CC to SRI PENUBALLI RAMESH BABU, Advocate [OPUC]
3. Two CCs to GP FOR FORESTS, High Court for the State of Telangana, at Hyderabad. [OUT]
4. Two CD Copies

PSK.

ADK

CC TODAY

HIGH COUR1

DATED:31/03/2023

ORDER

WP.No.8733 of 2023



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

A handwritten signature in black ink, appearing to read "S. H. 2023".