

(1997) 12 AP CK 0002
In the Andhra Pradesh High Court
Case No : Writ Petition No. 26088 of 1997

B. Sriramulu

APPELLANT

Vs

Authorised Officer-cum-Sub-Divisional Forest Officer and
Others

RESPONDENT

Date of Decision : 08-12-1997

Acts Referred:

Andhra Pradesh Forest Act, 1967 — Section 59

Citation : (1998) 6 ALD 583 : (1998) 1 ALT 87

Hon'ble Judges : Ramesh Madhav Bapat, J

Bench : Single Bench

Advocate : Mr. P.S. Narayana, for the Appellant; Government Pleader, for the Respondent

Judgement

1. The petitioner herein seeks a Writ of Certiorari calling for the records relating to Proceedings Rc.No.15/OR/91-92/ SDF dated 18-8-1997 issued by the Authorised Officer-cum-Sub-Divisional Officer, Yellandu, Khammam District (1st respondent) as confirmed by the Conservator of Forests, Khammam Circle (2nd respondent) in Proceedings RC No.313/92/M5 dated 25-9-1997 and quash the same as arbitrary and illegal and consequently to direct the respondents to compound the offence with one time penalty as per the existing Rules.

2. The writ affidavit filed by the petitioner herein shows that the lorry of the petitioner was seized by the Officials of the Forest Department on 1-8-1991 for violating the provisions of Forest Laws. Against the order of seizure and confiscation, the petitioner filed Writ Petition No. 1924 of 1994 and this Court by order dated 31-3-1997 set aside the order of confiscation and remitted the matter back to the 1st respondent to consider the request of the petitioner for compounding the case and to pass appropriate orders in accordance with law. Accordingly, the 1st respondent by order dated 18-8-1997 imposed compounding fee of Rs.95.133/- i.e., three times the value of the seized goods. Aggrieved by the said order, the petitioner carried the matter in appeal before the 2nd

respondent and the 2nd respondent by Proceedings in RC No.313/92/M5 dated 25-9-1997 disposed of the said appeal confirming the compounding fee fixed by the 1st respondent. Being aggrieved by the said order, the petitioner has approached this Court by way of the present Writ Petition.

3. At the stage of admission I have heard the learned Counsel for the petitioner and the learned Government Pleader for Forests. I have also gone through the order passed by the 2nd respondent. The 2nd respondent confirmed the order of the 1st respondent without assigning any reasons. He simply stated in his order that the compounding fee imposed on the petitioner is just and proper. The grounds raised by the petitioner herein were not at all considered.

4. Under those circumstances, the matter stands remanded to the 2nd respondent with a direction to hear the petitioner and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No costs.