

Forest Department

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Ref.No.2/81/F3,
Dated:12.5.1981.

Office of the Chief Conservator of
Forests, Andhra Pradesh, Hyderabad.

Sri Munawar Hussain, I.F.S.,
Chief Conservator of Forests.

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Circular No. 16/81

Sub:- Forest offences - Seizure of vehicles involved
in Forest offences valuation of the vehicles
immediately after its seizure by the R.T.C.,
or M.V.I. Circular - Instructions - Regarding.

Ref:- 1.CCF's Ref.No.123455/76/F2, dt. 2.12.1976
(Circular No.15/76).
2.CCF's Ref.No.23481/79/F3, dated 9-7-1979.

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Detailed circular instructions were issued to all
officers of distribution list (A) from Chief Conservator of
Forests' office in the reference 1st cited above regarding
up keep of the seized vehicles involved in Forest offences
and their maintenance. Inspite of issue of several instructions,
it has come to the notice of the Chief Conservator of Forests
that some of the important parts of the seized vehicles were
missing by the time the Vehicle becomes fully confiscated to
the State after completing all the formalities. Some times the
body of the vehicle is only present without other important
and valuable parts like tyres, tubes, battery etc. The result
is that the value of such confiscated vehicles is very much
less than the cost of the vehicles at the time of seizure.

2. In view of the above facts, following instructions are
issued:-

1. An inventory of the parts of the vehicle and its
condition should be made at the time of the seizure of the
vehicles. The concerned Divisional Forest Officer should take
proper care, of the vehicle for its proper maintenance and safe
custody till the case is finally disposed off by the
Authorized Officer.

2. Strict instructions to that extent should be issued by
all the Divisional Forest Officers to their concerned Range
Officers as per this office instructions already issued
through reference 1st and 2nd cited.

3. The Divisional Forest Officers are informed that if any
instances come to the notice of the Chief Conservator of
Forests regarding the missing of spare parts of the seized
vehicles and its improper maintenance the Divisional Forest
Officers will be held responsible for the losses. Like-wise
for such instances of the missing parts of the vehicle the
Divisional Forest Officers should fix up responsibility
and take suitable disciplinary action against concerned
subordinates apart from recovering the cost of the missing
parts.

p.t.o.

4. In some cases, seized vehicles are released by the courts conditionally before the case is finalised under section 44 directing the owner of the vehicle (Petitioner) to execute personal bond or third person security of meagre amounts less than the cost of the seized vehicles. As per the powers vested with the Divisional Forest Officer under section 44 the Divisional Forest Officer is the authorized officer vested with quasi-judicial powers. No court can interfere until the case is finalised by the Divisional Forest Officer. The Divisional Forest Officers should bring this to the notice of the District or High Courts and try to get interim orders of the court vacated with proper efforts. These conditional release orders of the courts does not preclude the powers of the Authorised officer vested under section 44 of A.P. Forest Act 1967 and the Divisional Forest Officers can proceed further according to the merits of the case.

5. To mitigate the problems regarding value of the vehicle seized all the Divisional Forest Officers are instructed to get the vehicle inspected by the Regional Transport Officer or Motor Vehicle Inspector to assess the correct value and condition immediately after its seizure and keep the particulars of the vehicle as a record in Divisional Forest Officers office. This information will also be useful in some of the cases where the courts are releasing the vehicle conditionally on execution of personal bond or third person security for an amount less than the cost of the vehicle. The Divisional Forest Officers should object such orders of the courts by filing revision petition in the courts producing the recorded evidence of the value of the vehicle assessed by the Regional Transport Officer or Motor Vehicle Inspector to get the stay orders against such release orders or to enhance the value of personal bond or third person security as per actual cost of the vehicle.

The Divisional Forest Officers are therefore directed to strictly follow the instructions indicated in the above paras and furnish one copy of valuation statement to the Chief Conservator of Forests along with the other particulars of the vehicle in the prescribed proforma communicated in circular 2nd cited above.

The receipt of the circular should be acknowledged by return of post.

Sd/- Munawar Hussain,
Chief Conservator of Forests.