

**//VIGILANCE//**

**GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT**

Ref.No.296/2018/Vig-1,  
Dated :09-03-2018.

O/o the Principal Chief Conservator of Forests,  
(Head of Forest Force),  
Andhra Pradesh, Guntur - 522509.

Sri P.Mallikharjuna Rao, I.F.S.,  
Principal Chief Conservator of Forests  
(Head of Forest Force) (FAC).

**CIRCULAR NO. 3 /2018**

Sub:- Motor Vehicles – Use of seized/confiscated vehicles –  
certain instructions – Issued – Reg.

Ref:- W.P.No.43288/2017 in High Court of Andhra  
Pradesh.

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In forest offences, number of vehicles are being seized and after due enquiry they are being confiscated to the State by the Authorized Officers. After the appeal time in District Court is completed, the confiscation orders are confirmed and the vehicles gets fully confiscated to the Government. As per provisions of Section 50 of the Andhra Pradesh Forest Act, 1967, the fully confiscated vehicles becomes Government property and the Government may use the same as they desire vide G.M.No.2250/For.II/87-4, dt:10-09-1987.

The time gap between the seizure, and full confiscation is considerable and to safeguard the vehicle and to keep it in running condition till disposal of the case it is desirable to keep the vehicle in protective custody of a responsible officer. The Hon'ble High Court of Bombay, Nagpur bench in W.P.No.1277/2000 dated 27-04-2002 have observed, "we make it clear that it is not necessary for the Forest Department to seek permission of the State Government for utilising the vehicles and vessels of all nature right from the time they are seized till they are confiscated and thereafter also, by maintaining it at their own expenses, so that it serves both the purposes firstly, that such vehicles are maintained by the Forest Department so that they do not become junk till the confiscation orders are passed and secondly, these vehicles are available to the officials of the Forest Department for their use". In another case WP No.43288/2017 filed by D. Rammohan Reddy in Hon'ble High Court of Andhra Pradesh and Telangana, Transport Department had issued challan notices to the owner of seized offence vehicles for violation of traffic rules, in turn owners approached to Hon'ble High Court for necessary relief.

In view of the above the following instructions are issued:

1. Whenever the vehicle is seized in forest offence the procedure stipulated in Section 100 of Code of Criminal Procedure, 1973 should be followed.

2. The fact of seizing of the vehicle should be informed to the local Transport Department Officers, as well as the Transport Department Officer where the vehicle is registered, local police station.
3. The RC book of the vehicle and other documents of ownership should be seized and necessary documents, prescribed by the Transport Department for transfer of ownership should be processed as and when the vehicles are fully confiscated to the State.
4. The Authorised Officer in case of OR cases should take up enquiry immediately and conclude the same in reasonable time duly following the procedure.
5. In the case of UDOR cases the Authorized Officer should publish notice of enquiry in the local newspapers and conclude the enquiry, preferably within one month.
6. If no appeal is filed within the stipulated time, the orders of Authorised Officer become final and the vehicle will be fully confiscated in the Government.
7. In the exigencies, the seized vehicles may be put to use for Forest protection and care should be taken to maintain the vehicle properly.
8. The appeal, if any, in District Court should be pursued for speedy disposal. It may be noted that during the pendency of vehicles offence cases, the seized vehicles are being allotted to various forest officers for the purpose of safe custody only, hence they should act as safe custodian of the case properly and will produce the property as & when desired by the competence authority.
9. After the vehicle is fully vested in Government, action should be taken by the concerned Divisional Forest Officer to get the ownership transferred to Forest Department by duly paying charges, if any, to the Transport Department.
10. In the above process, key action is to expedite confiscation proceeds speedily duly following per rule and procedures in force. Therefore all the Circle Heads must monitor vehicle offence cases with authorised Officers very closely.

A prompt action in matter will be appreciated in the Performance Appraisal Reports (PARs) of the concerned by the Reporting Officer.

These instructions will come in to effect immediately.

Sd/- P.Mallikharjuna Rao,  
Principal Chief Conservator of Forests  
(Head of Forest Force) (FAC).

To

1. All the Field Officers (CFs and DFOs).
2. All the Officers in Head Office.

//T.C.B.O.//

  
13/3/10  
**SUPERINTENDENT.**

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