



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

[3311]

Friday, the Eighth day of May
Two Thousand and Twenty Six

Present

The Honourable Ms. Justice B. S. Bhanumathi

Writ Petition No: 13247 of 2026

Between:

H. Muthu Raju

...Petitioner

and

The State of Andhra Pradesh and others

...Respondents

Counsel for the petitioner:

1.K. Raghu Veer

Counsel for the respondents:

1.G.P. for Forests

The Court made the following:

ORDER:

The writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceeding vide O.R.82/2025-26, dated 20.04.2026 of the respondent No.3 wherein directed the petitioner to submit Rs.5,50,000/- bank guarantee for release of the Mahindra tractor bearing No. AP 40 AB 5635 as illegal, arbitrary and consequently direct the respondents to release the petitioner’s vehicle i.e., tractor bearing No.AP 40 AB 5635 on third party security for an amount of Rs.1,50,000/ and pass...”

2. The case of the petitioner is, stated briefly, as follows:

a. The petitioner is the owner of the tractor bearing No. AP 40 AB 5635 and got it registered with the transport department. One Arunagiri approached the petitioner for engaging the tractor for plowing the land in Sy. No. 1 and 57 of Kangundi Village, Kuppam Mandal, Chittoor District. The father of Arunagiri and K. Armugam and others were granted ryotwari pattas in the said land by the Forest Settlement Officer, Nellore.

b. When the respondents Nos. 2 and 4 tried to interfere with their possession, W.P. No. 28993 of 2021 was filed before this Court. An order of *status quo* was granted by this Court. The said writ petition is still pending and the interim order is in force.

c. While the matter stood thus, on 04.02.2026, when the tractor of the petitioner was used for ploughing the land at request of Arunagiri, the respondent No. 4 and his subordinates came to the land claiming it as a forest land and stated that it is an offence to plough the land. The

petitioner has nothing to do with any alleged act of offence. However, the vehicle of the petitioner was seized by the respondent No. 4. Thus, the petitioner filed W.P. No. 7695 of 2026 before this Court. By an order dated 18.03.2026, the writ petition was disposed of with a direction giving liberty to the petitioner to file an application before the concerned authorities under Section 44(3) of the Andhra Pradesh Forest Act, 1967 (in short 'the Act, 1967) and thereafter, the concerned authority shall dispose of the application(s) without any further delay, not later than one week from the date of receipt of that order.

d. Accordingly, the petitioner filed an application before the respondent No. 3 under Section 44(3) of the Act, 1967. Without considering the age of the tractor, the respondent No. 3 got the report from the motor vehicle inspector basing on which an order in O.R.82/2025-26, dated 20.04.2026 was passed directing the petitioner to submit a bank guarantee for Rs.5,50,000/- for release of tractor in interim custody.

e. The tractor is three years old and its value is Rs.1,50,000/- only. The petitioner is ready to furnish third party security for an amount of Rs.1,50,000/-, however the respondent No. 3 has not considered the request of the petitioner. Hence, this writ petition was filed.

3. Ms. Baliboyina Sravani, learned Assistant Government Pleader for Forests, placed on record a copy of written instructions of the respondent No. 3, dated 03.05.2026 and argued that the relief claimed by the petitioner is contrary to the valuation fixed by the motor vehicle inspector, Palamaner, (in short 'M.V.I.') and that the release of the vehicle for an amount below the value assessed by the M.V.I. would defeat the purpose of the Act, 1967 and result in fiscal loss to the government. Therefore, she submitted that the petitioner shall furnish bank guarantee for the full amount as assessed by the M.V.I. and ordered.

4. In reply, Sri K.G. Krishna Moorthy, learned Senior Counsel representing learned counsel for the petitioner, submitted that the M.V.I. has not given any reasons for arriving at the value of the vehicle and therefore, it cannot be the basis for fixing the amount of bank guarantee. It is further submitted by him that the petitioner, being a poor farmer, imposition of a heavy condition would result in denying the relief which was granted.

5. As rightly contended by the learned Senior Counsel appearing for the petitioner, there is no basis for valuing the vehicle stated in the report of the M.V.I.

6. It is relevant to refer the decision of the Supreme Court in **Sunderbhai Ambalal Desai v. State of Gujarat**,¹ wherein, at paragraphs Nos.7, 15 to 18 and 21, it is held as follows:

“7. In our view, the powers under Section 451 CrPC should be exercised expeditiously and judiciously. It would serve various purposes, namely:

- ‘1. owner of the article would not suffer because of its remaining unused or by its misappropriation;
2. court or the police would not be required to keep the article in safe custody;
3. if the proper panchnama before handing over possession of the article is prepared, that can be used in evidence instead of its production before the court during the trial. If necessary, evidence could also be recorded describing the nature of the property in detail; and

¹ (2002) 10 SCC 283

4. this jurisdiction of the court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.'

Vehicles:

15. Learned Senior Counsel Mr Dholakia, appearing for the State of Gujarat further submitted that at present in the police station premises, a number of vehicles are kept unattended and vehicles become junk day by day. It is his contention that appropriate directions should be given to the Magistrates who are dealing with such questions to hand over such vehicles to their owners or to the person from whom the said vehicles are seized by taking appropriate bond and guarantee for the return of the said vehicles if required by the court at any point of time.

16. However, the learned counsel appearing for the petitioners submitted that this question of handing over the vehicle to the person from whom it is seized or to its true owner is always a matter of litigation and a lot of arguments are advanced by the persons concerned.

17. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.

18. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by a third person, then such vehicle may be ordered to be auctioned by the court. If the said vehicle is insured with the insurance company then the insurance company be informed by the court to take possession of the

vehicle which is not claimed by the owner or a third person. If the insurance company fails to take possession, the vehicles may be sold as per the direction of the court. The court would pass such order within a period of six months from the date of production of the said vehicle before the court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.

19.xxx.

20.xxx.

21. However, these powers are to be exercised by the Magistrate concerned. We hope and trust that the Magistrate concerned would take immediate action for seeing that powers under Section 451 CrPC are properly and promptly exercised and articles are not kept for a long time at the police station, in any case, for not more than fifteen days to one month. This object can also be achieved if there is proper supervision by the Registry of the High Court concerned in seeing that the rules framed by the High Court with regard to such articles are implemented properly.”

7. It is settled law that a vehicle, unless confiscated to the government, keeping it in idle in the custody of any authority would diminish its value day by day and neither party would fetch any amount out of such deteriorated vehicle and therefore, endeavor shall be made to return the property to the proper custody, subject to certain conditions appropriate to achieve the object of securing the vehicle by the authorities for taking action appropriate to the final outcome of the legal proceedings. Keeping that objective in view, since there is no dispute that the petitioner is not able to meet the condition imposed in the impugned order, this Court is of the view that directing the petitioner to

furnish bank guarantee for Rs.5,50,000/- for release of vehicle amounts to refusal of the relief.

8. In the result, the writ petition is allowed altering the condition in the impugned proceeding dated 20.04.2026 seeking bank guarantee for Rs.5,50,000/-, to furnishing third party security for a value of **Rs.2,00,000/- (Rupees two lakhs only)** with personal bond for the same amount with further conditions that the vehicle should not be sold and its colour should not be changed and other material parts (like chassis etc.,) should not be altered.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE B.S. BHANUMATHI

Dated: 08.05.2026

Note: Issue C.C. today

b/o

NSM

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