

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 34872 of 2015

BETWEEN

P.Seshagiri

... PETITIONER

AND

The State of Telangana, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 03.11.2015

THE HON'BLE SRI JUSTICE SANJAY KUMAR

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the fair copy of the Judgment? | Yes/No |

ORDER:

The only ground raised by the petitioner in the context of the seizure of his vehicle in an excise offence is that he was unaware that his vehicle was being put to such illegal use. However in the light of the deletion of the

proviso to Section 45(2) of the Andhra Pradesh Excise Act, 1968 with effect from 26.11.1993, *mens rea* of the owner of the vehicle is of no relevance whatsoever. This position was affirmed by the Supreme Court in ***Commissioner, Prohibition and Excise, Andhra Pradesh vs. Sharana Gouda***^[1].

2. In the light of the aforestated settled legal position, the writ petition is disposed of leaving it open to the petitioner to make an application to the authorities concerned for release of his vehicle on suitable terms. Upon such an application being made the authorities shall deal with the same in accordance with the norms and take appropriate action in the matter thereafter.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

November 3, 2015

Note:-

Furnish copy by three days.

{B/o} Lmv

^[1] 2007(6) SCC 42