

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

TUESDAY THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 29893 OF 2015

Between:

Surya Rajasekhar Goud ... Petitioner

Vs.

The State of Telamgana
Rep. by its Prl Secretary,
Prohibition & Excise Department
Telangana Secretariat,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri LVS Nagaraju

Counsel for the Respondents: GP for Prohibition & Excise
[TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 29893 OF 2015

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“To declare the action of respondents in cancelling the TFT License No.39 of Thurkadinne village, Kodair Mandal, Mahbubnagar district of the petitioner by order in RC.No.A4/347/2015 dated 08/07/2015 as illegal, arbitrary, violative of Article 14 of the Constitution of India and also contrary to the provisions of the A.P. Excise Act and Rules made thereunder and consequently to set aside the order in RC.No.A4/347/2015 dated 08/07/2015 and restore the TFT license of the petitioner and to pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.”

2. When the matter is called today, a preliminary objection is raised by the learned Government Pleader, while referring to the provisions of Section 63 of the A.P. Excise Act, 1968. The said provision of law reads as under:

Section 63 Appeals :- [1] Any person aggrieved by an order passed by any officer, other than the Commissioner or Collector, under this Act, may, within forty five days from the date of communication of such order, appeal to the Deputy Commissioner.

[2] Any person aggrieved by an order passed by the Deputy Commissioner or Collector under this

Act, may within sixty days from the date of communication of such order, appeal to the Commissioner.

3. It is very much evident from the above provision of law that any person aggrieved by an order passed by any Officer other than the Commissioner or Collector is entitled to file an appeal before the Deputy Commissioner of Prohibition and Excise.

4. In the instant case, without exhausting the said efficacious and alternative remedy, the petitioner has approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India. This court is not inclined to entertain the present writ petition in view of the said alternative remedy available to the petitioner.

5. For the aforesaid reason, the writ petition is disposed of, permitting the petitioner herein to avail alternative remedy by way of preferring an appeal against the impugned order dated 08/07/2015, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed within the said period, appropriate orders be passed by the Deputy Commissioner of Prohibition and Excise within four weeks thereafter. No order as to costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

15/09/2015
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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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WRIT PETITION NO. 29893 OF 2015

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