THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.27727 of 2017

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for Prohibition & Excise.

In the present Writ Petition challenge is to the order passed by the Prohibition & Excise Superintendent, Kothagudem, refusing to grant licence of selling by shop and conditions to the petitioners herein.

During the course of hearing, it is submitted by the learned Government Pleader that the present Writ Petition, filed under Article 226 of the Constitution of India, is not maintainable in view of the availability of alternative remedy of appeal under Section 63 of the Telangana State Excise Act, 1968. The said provision of law reads as follows:

> "**Appeals:** (1) Any person aggrieved by an order passed by any officer, other than the Commissioner or Collector under the 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 the Act, may, within sixty days from the date of communication of such order, appeal to the Commissioner".

In view of the availability of the said alternative efficacious remedy of appeal, this Court is not inclined to entertain the Writ Petition. However, it is open for the petitioner to avail the alternative remedy of appeal before the Deputy Commissioner of Prohibition & Excise, if he is advised to do so.

With the above observation, the Writ Petition stands disposed of.

As a sequel thereto, miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

A.V.SESHA SAI, J

04th October, 2017
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