

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

WRIT PETITION No.33612 of 2017

ORDER:

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

This Writ Petition is filed, under Article 226 of the Constitution of India, to declare the action of the respondent Nos.2 and 4, in refusing to include the token of the petitioner for drawal of lots for shop listed at S.No.22 at Utnoor village and Town in Notification No.9-A dated 13.09.2017 by the fourth respondent for grant of licence of selling by shop and rejecting the application of the petitioner, as illegal and arbitrary.

When the matter is taken up, it is submitted by the learned Government Pleader, on instructions, that the District Prohibition & Excise Officer, Adilabad-fourth respondent herein granted provisional licence in favour of the unofficial respondent-fifth respondent herein vide proceedings in Prov.Lic.No.22/2017-19 dated -09-2017 and a copy of the same is placed on record. While placing the same on record, it is submitted by the learned Government Pleader that the petitioner herein, for redressal of his grievance, has an effective alternative remedy of appeal before the Deputy Commissioner 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. If appeal is filed, under the above provision of law, the same be considered and further action be taken as expeditiously as possible.

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

09th October, 2017.

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