

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

WRIT PETITION No.30545 of 2017

ORDER:

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

In the present Writ Petition the petitioner herein is seeking a direction to the official respondents not to allow the sixth respondent-unofficial respondent to run wine shop at Inapuram Villalge, Mummidivaram Mandal, East Godavari District.

When the matter is taken up, it is submitted by the learned Government Pleader that, duly adhering to the provisions of the A.P.Excise Act, 1968 (for brevity, 'the Act') and the rules framed thereunder, the Prohibition & Excise Superintendent granted licence in favour of the unofficial respondent herein and, if the petitioner herein is aggrieved by the licence granted in favour of the unofficial respondent, it is open for the petitioner to file an appeal before the Deputy Commissioner of Prohibition & Excise under Section 63 of the Act, which reads as under:

"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 above mentioned efficacious and alternative remedy available to the petitioner, this Court is not inclined to entertain the present Writ Petition. However, it is open for the petitioner herein to file an appeal before the Deputy Commissioner of Prohibition & Excise against the order impugned if he is advised to do so.

With the above observation, the Writ Petition stands disposed of. Miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

A.V.SESHA SAI, J

03rd October, 2017
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