

THE HONOURABLE JUSTICE A.V.SESHA SAI

WRIT PETITION No.32470 of 2017

ORDER:

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

At the hearing, it is submitted by the learned Government Pleader that the unofficial respondents herein have already been granted licences for running A4 shop and a preliminary objection, as to the maintainability of the Writ Petition, has been taken by the learned Government Pleader by contending that, as against the said orders of the Prohibition & Excise Superintendent-fifth respondent herein, granting licence in favour of the unofficial respondents, appeal lies, under the provisions of Section 63 of the A.P.Excise Act, 1968, to the Deputy Commissioner, Prohibition & Excise-fourth respondent herein. 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 above mentioned alternative remedy of appeal to the petitioner herein, this Court is not inclined to entertain the Writ Petition under Article 226 of the Constitution of India. However, it is open for the petitioner herein to file an

appeal against the grant of licences in favour of the unofficial respondents herein, within a period of one month from the date of receipt of a copy of this order, and, if any such appeal is filed, the same be considered and appropriate orders be passed by the fourth respondent herein as expeditiously as possible, preferably within a period of one month from the date of filing of the said appeal after giving notice to all the stakeholders. However, this order will not enure to the benefit of the petitioner herein in the event of failure on the part of the petitioner to file an appeal within the time stipulated above.

The Writ Petition is, accordingly, disposed of. As a sequel to the disposal of the Writ Petition, miscellaneous petitions, if any, pending shall stand closed.

20th October, 2017
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A.V.SESHA SAI,J

