

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

WRIT PETITION No.31810 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 challenges the action of the respondent Nos.3 and 4 in granting A4 licence in favour of the fifth respondent herein. According to the petitioner herein he is also a licensee of A4 shop.

During the course of hearing, it is submitted by the learned Government Pleader appearing for the official respondents herein 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 A.P.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”.

It is very much evident from a reading of the above provision of law that, as against the orders of the Prohibition & Excise Superintendent, appeal lies before the Deputy Commissioner of Prohibition & Excise. 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 herein to file an appeal against the licence granted in favour of the unofficial respondent 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

03rd October, 2017
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