

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

WRIT PETITION No.22070 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“..to issue a writ of Mandamus or any other appropriate writ or order or direction declaring the proceeding in Rc.No.238/2017/A4, dated 1-7-2017 as arbitrary, illegal and unsustainable, if necessary by declaring the entry of the temple name “Sri Laxmi Ganesh Temple, Railway New Colony, Visakhapatnam” in the register and maintained by 6th respondent under Section 6(c) of the A.P.Charitable and Hindu Religious Institutions and Endowments Act 1987 as arbitrary, illegal and unsustainable and without following procedure and consequently direct the respondent No.6 to remove the same from the Endowment register and further direct the respondent NO.2 to 5 to permit the petitioner to run wine shop in premises D.No.43-6-1, Surabhi Complex, Railway New Colony, Visakhapatnam by issuing license clause and pass such other order or orders in the interest of justice.”

Heard learned counsel for the petitioner, learned Government Pleader for Prohibition & Excise for respondent Nos.1 to 5 and Smt.K.Lalitha, learned Standing Counsel for respondent No.6.

After advancing the arguments for sometime, it is submitted by the learned counsel for the petitioner that the petitioner may be permitted to avail alternative remedy of appeal under Section 63 of the A.P.Excise Act, 1968 (for short ‘the Act’), against the impugned order.

In view of the above, the Writ Petition is dismissed with liberty to the petitioner to approach the appellate Authority by filing an appeal under Section 63 of the Act questioning the impugned order, within a period of one week from the date of receipt of a copy of this order, and the appellate Authority shall pass appropriate orders within a period of two weeks thereafter, in accordance with law.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand disposed of. There shall be no order as to costs.

A.V. SESA SAI, J

Date:11.09.2017

Note:

Issue C.C. in two days.

B/ o.

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