

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

WRIT PETITION No.26609 of 2017

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition & Excise for the State of Telangana appearing for the respondents.

An order passed by the Deputy Commissioner of Prohibition & Excise, Hyderabad, vide proceedings Cr.No.C2/896/2016-2, dated 14.07.2017, rejecting the application of the petitioner for grant of permission for establishment of 2B bars, is under challenge in the present writ petition.

When the matter is taken up, a preliminary objection as to the maintainability of the writ petition is taken by the learned Government Pleader stating that under Section 63(2) of the Andhra Pradesh Excise Act, 1968 (for short 'the Act'), against the order impugned, appeal lies to the Commissioner, and the present writ petition is not maintainable in view of the said alternative and efficacious remedy available to the petitioner.

Section 63(2) of the Act reads as under:

“Any person aggrieved by an order passed by the Deputy Commissioner or Collector under this Act, within sixty days from the date of communication of such order, appeal to the Commissioner.”

It is evident from the above provision of law that any person aggrieved by an order passed by the Deputy Commissioner or the Collector may within 60 days file an appeal to the Commissioner.

In view of the said alternative remedy available to the petitioner, this Court is not inclined to entertain the present writ petition.

For the aforesaid reasons, this writ petition is dismissed, keeping it open for the petitioner to file an appeal against the order impugned, within a period of one week from the date of receipt of a copy of this order, and if any such appeal is filed by the petitioner within the time stipulated, the same shall be considered and appropriate orders be passed in accordance with law, within a period of one month thereafter.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

9th AUGUST, 2017.

A.V.SESHA SAI, J

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