

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.33394 OF 2017

ORDER:

In the present writ petition, challenge is to the alleged inaction on the part of the official respondents herein in considering the representation said to have been made by the petitioners herein on 26.09.2017 with regard to establishment of wine shop by unofficial respondent No.6 herein.

2. When the matter is taken up, it is submitted by the learned Government Pleader for Prohibition and Excise (Telangana) appearing for respondent Nos.1 to 4 that a provisional licence bearing Lic.No.17/2017-19, dated 25.09.2017, has been granted in favour of respondent No.6 and a copy of the same is also placed on record. It is further submitted by the learned Government Pleader that the petitioners herein have an effective alternative remedy of filing an appeal before the Deputy Commissioner of Prohibition and Excise and if they are aggrieved by the said licence, they can file an appeal before the Deputy Commissioner of Prohibition and Excise under Section 63 of the Telangana Excise Act, 1968.

3. Section 63 of the Telangana Excise Act, 1968 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 availability of said alternative remedy of appeal before the Deputy Commissioner of Prohibition and Excise, this Court is not inclined to go into the merits of the matter.

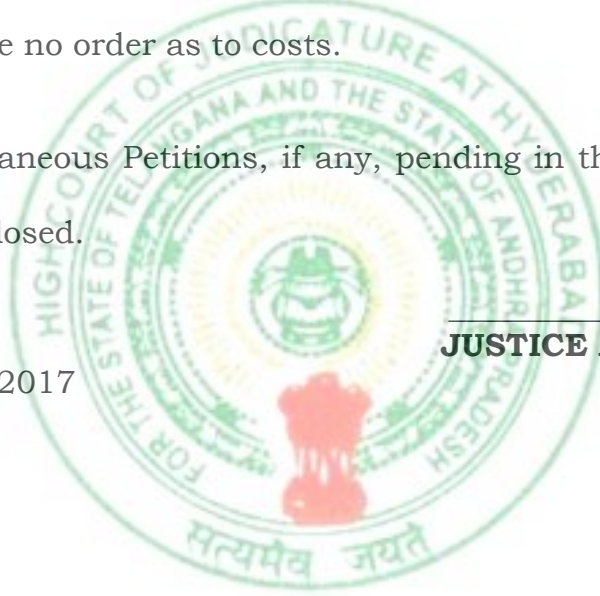
4. In view of the above, the Writ Petition is disposed of, keeping it open for the petitioners herein to file an appeal before the appellate authority against the provisional licence granted in favour of respondent No.6 herein, if they are advised to do so.

5. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date : 06.10.2017
AMD

JUSTICE A.V.SESHA SAI



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AMD