

THE HONOURABLE JUSTICE A.V.SESHA SAI

WRIT PETITION No.32289 of 2017

ORDER:

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

The order passed by the Deputy Commissioner of Prohibition & Excise, Mahabubnagar Division-third respondent herein, rejecting the application filed by the petitioner herein for release of black jaggery seized by the respondents herein pending confiscation proceedings, is under challenge in the present Writ Petition.

According to the petitioner, the impugned action on the part of the respondent authorities is totally illegal, arbitrary and is without jurisdiction.

On the contrary, it is submitted by the learned Government Pleader that the order passed by the Deputy Commissioner, Prohibition & Excise, Mahabubnagar Division, which is impugned in the present Writ Petition, is appealable under Section 63 of the Telangana State 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”.

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.

For the aforesaid reasons, the Writ Petition is disposed of, keeping it open for the petitioner herein to file an appeal before the Commissioner of Prohibition, Prohibition & Excise, Telangana State, Hyderabad-second respondent herein and, if any such appeal is filed, the same be considered and appropriate orders be passed by the Commissioner of Prohibition & Excise within a period of two weeks from the date of filing of the said appeal after giving opportunity of hearing to the petitioner herein.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

05th October, 2017
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A.V.SESHA SAI,J