

THE HONOURABLE JUSTICE A.V.SESHA SAI

WRIT PETITION No.32304 of 2017

ORDER:

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

The order passed by the Officer, District Prohibition and Excise, Bhadradi, Kothagudem, vide proceedings in Cr.No.144-3/2017/P & Ex/A2, dated 30.08.2017, refusing to consider the request of the petitioner herein for grant of licence, is under challenge in the present Writ Petition.

At the hearing, a preliminary objection, as to the maintainability of the Writ Petition, is taken by the learned Government Pleader by stating that, as against the impugned order, Section 63 of the A.P.Excise Act, 1968 provides for statutory appeal and without availing the said remedy the present Writ Petition is filed before this Court. 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”.

A reading of the above provision of law makes it clear that, as against the orders passed by any officer, subordinate to the Deputy Commissioner, appeal lies before the Deputy Commissioner. In view of the above remedy available to the petitioner herein, this Court is not inclined to entertain the Writ Petition. However, it is open for the petitioner herein to file an appeal before the Deputy Commissioner, Prohibition & Excise against the order impugned in the present Writ Petition.

With the above direction, the Writ Petition stands disposed of. Miscellaneous Petitions, if any, pending shall stand closed.

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