

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

WRIT PETITION No.21852 of 2017

Date: 13-09-2017.

BETWEEN:

Ashappa Goud

...Petitioner.

AND

The State of Telangana,
Rep by its Principal Secretary,
Revenue (Ex.II) Department,
Secretariat, Hyderabad and others.

...Respondents.



THE HON'BLE SRI JUSTICE A.V. SESA SAI**WRIT PETITION No.21852 of 2017****ORDER:**

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

2. The order of cancellation of TFT license granted by the Prohibition & Excise Superintendent, Mahabubnagar vide proceedings Rc.No.B1/66/2016, dated 13-07-2016 is under challenge in the present writ petition and the said licence was renewed on 24-04-2015 for the period ending by 30th day of September 2017. Vide order in Rc.No.B1/66/2016, dated 23-01-2016, the said licence was kept under suspension pending enquiry. Subsequently, a show cause notice was issued on 25-06-2016, calling upon the petitioner to show cause as to why the licence granted vide proceedings in Rc.B1/66/2016, dated 23-01-2016 should not be cancelled. Subsequently, the Prohibition & Excise Superintendent, Mahabubnagar, by virtue of the questioned order, cancelled the TFT licence of the petitioner herein in exercise of the powers conferred under Section 31 (b) (1) of the A.P. Excise Act, 1968. The petitioner herein assails the said order as illegal, arbitrary and unreasonable and violative of the principles of natural justice. Petitioner herein denies the very issuance of show cause notice by the Excise Superintendent, who resorted to the impugned order.

3. On the other hand, it is submitted by the learned Government Pleader that the writ petition filed by the petitioner herein is not maintainable in view of the effective alternative

remedy of appeal as provided under Section 63 of the A.P Excise Act, 1968.

4. Section 63 of the Excise Act reads as under:

“SECTION 63 : Appeals

(1) Any person aggrieved by an order passed by any officer, other than the Commissioner or Collector, under this 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 this Act, may, within sixty days from the date of communication of such order, appeal to the Commissioner.”

5. It is very much evident from a reading of the above provision that any order passed by the Prohibition and Excise Superintendent is appealable before the Deputy Commissioner of Prohibition & Excise.

6. In view of the said alternative remedy available, this Writ Petition is disposed of, keeping it open for the petitioner to avail the remedy of appeal before the Deputy Commissioner of Prohibition & Excise, within a period of one week from the date of receipt of a copy of this order. If any such appeal is filed, the Deputy Commissioner of Prohibition & Excise Superintendent shall consider and pass appropriate orders in accordance with law as expeditiously as possible.

7. Miscellaneous petitions pending consideration, if any, in this Writ Petition, shall stand closed in consequence.

JUSTICE A.V.SESHA SAI

Date: 13.09.2017

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