

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.37270 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief/ s:

“to issue a Writ of Mandamus or any other appropriate Writ or Writs, Orders or Directions, declaring the proceedings Rc.No.B2/246/2016 dated 16.10.2017 on the file of 2nd respondent, as illegal, arbitrary and without jurisdiction, consequently, directing the 2nd respondent to renew the licences of the petitioner bearing No.1,2,3 and Three “B” Licences at Badepally by permitting the Petitioner to tap and vend the toddy in its area of operation, and pass such other or further orders as are deemed fit and proper in the circumstances of the case.”

(Reproduced verbatim)

I have heard the submissions of the learned counsel appearing for the petitioner and of the learned Government Pleader representing the respondents. I have perused the material record.

The grievance of the writ petitioner is with regard to the rejection of the request for renewal of licence by wrongly quoting the provision of Rule 39 of the Telangana (Grant of licence to sell Toddy, Conditions of Licence and Tapping of Excise Tress) Rules 2007, which deals with cancellation of licence.

Learned Government Pleader would submit that against the order impugned passed by the District Prohibition & Excise Officer, an appeal lies to the Deputy Commissioner as per Section 63(1) of the Telangana Excise Act, 1968, and therefore, there is an alternative efficacious remedy for the petitioner.

In view of the afore-said submissions, the Writ Petition is disposed of reserving liberty to the petitioner to prefer an appeal provided under law assailing the order, dated 16.10.2017, of the District Prohibition & Excise Officer, Mahabubnagar. On the petitioner preferring an appeal, the Deputy

Commissioner is directed to dispose of the said appeal within four (04) weeks therefrom and communicate the decision taken thereon to the petitioner within a week thereafter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

14.11.2017
Vjl

M. SEETHARAMA MURTI, J

