

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No. 24466 of 2018

ORDER:-

Heard learned Counsel appearing for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents.

An order of suspension of license of the petitioner issued by the District Prohibition & Excise Officer, Nalgonda/R.2, vide license No.3/2017-18/C, dated 08.05.2018, is under challenge in the present Writ Petition.

When the matter is taken up, a preliminary objection with regard to the maintainability of the Writ Petition is taken by the learned Government Pleader by contending that as against the order of suspension, the statutory appeal lies to the Deputy Commissioner of Prohibition and Excise/respondent No.5 under Section 63(1) of the Telangana Excise Act (for short 'the Act') and without availing such remedy, the present Writ Petition has been filed.

Section 63 (1) of the Act reads as under:-

“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.”

In view of above statutory remedy available to the petitioner herein, this Court deems it appropriate to dispose of the Writ Petition, keeping it open to the petitioner to file appeal

before R.5 within a period of two weeks from the date of receipt of a copy of this Order. If any such appeal is filed, the Deputy Commissioner for Proh. & Excise/R.5 shall dispose of the appeal and pass Orders, strictly in accordance with law, within a period of four weeks thereafter.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:23.07.2018
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