

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No. 26028 of 2018

ORDER:-

An Order of cancellation of TFT License passed by the District Prohibition and Excise Officer, Sangareddy, vide proceedings Cr.No.B1/28/2018, dated 02.05.2018, 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 against the impugned proceedings, appeal lies to the Deputy Commissioner of Prohibition and Excise, as per the provisions of Section 63 of the Telangana State Excise Act, 1968 and the petitioner without availing such remedy, filed the present Writ Petition.

The said provision of law reads as under:-

“Appeals:- (1) Any person aggrieved by an order passed by any officer, than the Commissioner of 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 five days from the date of communication of such order, appeal to the Commissioner.”

It is very much obvious from the reading of the said provision of law that impugned cancellation order is appealable before the Deputy Commissioner of Prohibition and Excise and in view of the said alternative remedy, this Court is not inclined to

go into the merits of the matter. However, it is open for the petitioner to file an appeal against the order impugned before the Deputy Commissioner of Prohibition and Excise, within a period of ten days from the date of receipt of a copy of this Order. If any such appeal is filed, the same be considered and appropriate final orders be passed by the Deputy Commissioner of Prohibition and Excise, within a period of six weeks thereafter.

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

Date:09.08.2018

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A.V.Sesha Sai, J