

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.32384 OF 2018

ORDER:

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 saying that as against the Order impugned in the present Writ Petition, Section 64 of the A.P.Excise Act, 1968 (hereinafter referred to as 'the Act') provides for statutory revision before the State Government. The said provision of Law reads as under:-

“Revision:- The Government may, either suo motu or on an application call for and examine the records of any officer in respect of any decision, order or other proceedings made under this Act, including those relating to the grant, issue or refusal of a licence, or permit, for the purpose of satisfying themselves as to correctness, legality or propriety of any such decision or order or as to the regularity of such proceedings, and if in any case, it appears, to them that such decision, order or proceedings should be modified, annulled, reversed or remitted for reconsideration they may pass orders accordingly.

Provided that no order adversely affecting any party, shall be passed under this Section unless he has been given an opportunity of making his representation.”

In view of the alternative remedy available to the petitioner under Section 64 of the Act, this Court is not inclined to go into the merits of the matter. However, the petitioner is at liberty to file a revision against the impugned Order, within a period of two weeks from the date of receipt of a copy of this Order and if any such revision is filed by the petitioner herein, within the time stipulated above, the same be disposed of, strictly in accordance with law, within a period of four weeks thereafter.

Miscellaneous Petitions pending consideration, if any, in this
Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date :17.09.2018
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