

14.03.2022.
Item No. 22.
Court No.13
ap

**W.P.A. No. 17142 of 2021
(Through Video Conference)**

**Aloke Kumar Dey
Versus
The State of West Bengal & Ors.**

Mr. Amit Kumar Pan,
Mr. Sandip Ghosh,
Mr. Partha Sarkar.

...For the petitioner.

Mr. Anirban Ray, Id. G.P.
Mr. Raja Saha,
Mr. Debasish Ghosh.

...For the State.

The writ petitioner challenges an order of the Excise Commissioner dated 30th June, 2021 rejecting his application for shifting of liquor vending site under a licence already being enjoyed by him.

The Excise Commissioner has rejected the petitioner's application for shifting since, according to him, an Anganwadi Centre is located in the vicinity of the proposed new site and such Centre would come within the meaning of the expression "Educational Institution" under Rule 8 of the West Bengal Excise Rules, 2003.

Since the petitioner has an efficacious alternative remedy in the form of a Second Appeal before the Secretary, Excise Department, Government of West Bengal, he may approach such Authority in accordance with law.

If the petitioner approaches the Secretary, Excise Department, Government of West Bengal against the impugned order within a period of 15 days from date, the Secretary shall consider the same in accordance with law within a period of two months thereafter and dispose of the same.

A reasoned order may be passed on the grounds for appeal agitated, by the Secretary, Excise Department, Government of West Bengal.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)