

Munni Devi Vs. State and ors.

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Court : Rajasthan

Decided On : Oct-03-2007

Reported in : 2008(1)WLN499

Judge : Govind Mathur, J.

Appeal No. : S.B. Civil Writ Petition No. 6132/2006

Appellant : Munni Devi

Respondent : State and ors.

Judgement :

Govind Mathur, J.

1. By this petition for writ, a challenge is given by the petitioner to the order dt. 12.10.2006 passed by the Commissioner (Excise), Government of Rajasthan, Udaipur imposing a penalty of Rs. 2,00,000/- upon the petitioner and also confiscating vehicle No. UP-80/P-9927 for violation of the provisions of Section 54 read with Section 69 of the Rajasthan Excise Act, 1951.

2. The contention of counsel for the petitioner is that in view of proviso to Section 14 of the Act of 1951, the Commissioner (Excise) by imposing the penalty and confiscating the vehicle acted beyond the jurisdiction vested with him. It is asserted that the petitioner was carrying Molasses from Sambhal, District

Muradabad in Uttar Pradesh to Indore in the State of Madhya Pradesh, thus, as per the proviso to Section 14 of the Act of 1951 he was not required to have any pass.

3. From perusal of the order impugned dt. 12.10.2006, it reveals that as a matter of fact, the petitioner was not carrying adequate documents with him to prove that from which station the vehicle concern was carrying Molasses and where it was required to be supplied. In present set of facts, I do not consider it appropriate to entertain this petition for writ as the petitioner is having an efficacious alternative remedy under Sub-section 2 of Section 9(A) of the Act of 1951 by way of filing an appeal before Division Bench of the Board of Revenue, Rajasthan, Ajmer.

4. Accordingly, this petition for writ is dismissed. The petitioner may avail alternative remedy available to him under the Rajasthan Excise Act.

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