

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No. 715 of 2014

Date: 29.04.2014

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Between:

Gangu Devaraja Vara Prasad
And another.

... Appellants

And

The Govt., of A.P.,
Prohibition & Excise Department,
Hyderabad & others.

... Respondents

This Court made the following:

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

WRIT APPEAL No. 715 of 2014

JUDGMENT: (Per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

We are of the view that this appeal should not be entertained, as the learned Trial Judge, having considered the prima facie case and balance of convenience in exercise of his discretion, has vacated the interim order passed earlier. It does not appear to us that such exercise of discretion is arbitrary and absurd one. We cannot substitute our own discretion.

Hence, the appeal is dismissed. However, we request the learned Trial Judge to hear out the writ petition at an early date as the learned counsel for the appellants says that the writ petition would be infructuous. No order as to costs.

Miscellaneous petitions, if any, pending in this writ appeal shall stand dismissed.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

Date: 29.04.2014
ES/KVNI