

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL No.288 OF 2018

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

This writ appeal by the State of Andhra Pradesh and its officials is directed against the order dated 04.01.2017 passed by a learned Judge of this Court in W.V.M.P.No.5181 of 2016 in W.P.No.27307 of 2015. The learned Judge opined thereby that as the order dated 03.11.2016, which was the subject matter of the vacate stay petition, was passed after hearing the learned Government Pleader and upon considering the counter-affidavit filed by the respondents, the vacate stay petition was not maintainable and accordingly dismissed it.

Sri K.Sita Ram, learned counsel for the first respondent/writ petitioner, would point out that the interim order dated 03.11.2016 in W.P.M.P.No.7641 of 2016 in W.P.No.27307 of 2015 was passed by the learned Judge after perusing the counter-affidavit filed by the Project Director, District Women and Child Development Agency, the third respondent in the writ petition. Perusal of the said order bears out this fact.

Surprisingly, having suffered the said interim order, the respondents in the writ petition did not choose to file an appeal against the same but preferred the subject vacate stay petition. The third respondent in the writ petition, who has filed the counter-affidavit which was considered by the learned Judge at the time of passing of the interim order, was one of the vacate stay petitioners. It was not even the case of the respondents in the writ petition that there were any changed circumstances which warranted filing of the vacate stay petition.

In such circumstances, we find no error in the order of the learned Judge holding to the effect that the vacate stay petition was not maintainable as the interim order had been passed after hearing the learned Government Pleader and upon considering the counter-affidavit.

The writ appeal is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR,J

M. GANGA RAO, J

Date: 01.05.2018
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