

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No.665 of 2018

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal is preferred, under Clause 15 of the Letters Patent, against the proceedings in W.P. No. 803 of 2018 dated 12.4.2018. The appellant herein filed W.P. No. 803 of 2018 seeking a mandamus to declare the action of the Commissioner of Prohibition and Excise in passing order dated 16.9.2017 including the name of the 7th respondent in the 2B licence of the petitioner, and the consequential proceedings of the District Prohibition and Excise Officer, Mahabubnagar dated 30.10.2017 including the 7th respondent's name in the 2B licence of the petitioner, as illegal and void. By way of interim relief, the appellant-writ petitioner sought a direction to respondents 2 to 6 not to release any stocks, in the account of the petitioner 2B licence, pending disposal of the Writ Petition. He also sought an interim direction to the respondents to cancel the 2B licence, and return the Earnest Money Deposit amount to the petitioner, pending disposal of the Writ Petition.

When the matter came up for admission on 12.4.2018, the learned Single Judge admitted the Writ Petition, and issued notice returnable in four weeks. The action of the learned Single Judge, in deferring hearing of the Writ Petition by four weeks, is subjected to challenge in this appeal.

As held by this Court, in **Kunala Subbarao and Others vs. P. Nagaratnayamma**¹, hearing of the Writ Petition being deferred would not constitute a "judgment" under Clause 15 of the Letters Patent, justifying an *intra-Court* appeal being entertained against the said proceedings. This judgment of the Division Bench in **Kunala Subbarao** was followed

¹ AIR 1982 AP 443

later by another Division bench in **T.M. Reddy Educational Society vs. State of Andhra Pradesh**².

As an *intra-Court* appeal is not maintainable against the impugned proceedings, whereby hearing of the Writ Petition was merely deferred by four weeks, the Writ Appeal fails and is, accordingly, dismissed. Suffice it to make it clear that this order shall not disable the appellant-writ petitioner from requesting the learned Single Judge to take up the W.P.M.P. at an early date. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

26th April, 2018

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² Judgment in W.A. No. 918 of 2016 dated 29.9.2016

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