

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE FIFTEENTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT APPEAL NO: 155 OF 2024

Writ Appeal under clause 15 of the Letters Patent Against the Order Dated 30/06/2023 in W P No 7830 of 2023 on the file of the High Court.

**Between:**

Toddy Tappers Co-operative Society, Kamareddy-II, Represented by its President, Sri Elukanti Jeevan Goud, son of Sri E.Saya Goud, aged 42 years, Occupation. Business, Resident of H.No.2-56, Singarayapalli, Palwancha Mandal, Kamareddy District.

...APPELLANT

**AND**

1. The State of Telangana, represented by its Principal Secretary, Revenue (Excise II) Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Prohibition and Excise Government of Telangana, Excise Bhavan, Nampally, Hyderabad.
3. The Deputy Commissioner of Prohibition and Excise, Government of Telangana, Nizamabad Division, Nizamabad.
4. The District Collector, (Prohibition and Excise), Kamareddy District Government of Telangana, Kamareddy.
5. The District Prohibition and Excise Officer cum Functional Registrar TICS, Kamareddy Government of Telangana, Kamareddy, Kamareddy District.
6. Toddy Tappers Cooperative Society, Kamareddy No.I, Kamareddy, Kamareddy District represented by its President Sri Bandari Raja Goud son of Bandari Limba Goud, aged 52 years, resident of Kamareddy.

...RESPONDENTS

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order dt. 30.06.2023 made in IA No. 2 of 2023 in WP

No. 7830 of 2023 by directing the 5th respondent to permit the petitioner to do business in Shop No.5, Kamareddy Municipality Area, Kamareddy in terms of the licence granted by the licensing authority, pending disposal of the writ appeal.

**Counsel for the Appellant : SRI P.VENUGOPAL, Sr.COUNSEL,  
rep., SRI I.GOPAL SHARMA**

**Counsel for the Respondents No.1to5 : GP FOR PROHIBITION & EXCISE**

**Counsel for the Respondents No.6 : SRI A.VENKATESH, Sr.COUNSEL,  
rep., SRI U.PANDARINATH GOUD**

**The Court delivered the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT APPEAL No.155 of 2024**

**JUDGMENT:** (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. P. Venugopal, learned Senior Counsel represents  
Mr. I. Gopal Sharma, learned counsel for the appellant.

Mr. A. Venkatesh, learned Senior Counsel represents  
Mr. Y. Pandarinath Goud, learned counsel for respondent  
No.6.

2. With the consent of the learned Senior Counsel for the  
parties, the Writ Appeal is heard finally.

3. This intra court appeal is filed against the interim order  
dated 30.06.2023 passed by the learned Single Judge, in  
I.A.No.2 of 2023 in Writ Petition No.7830 of 2023 by which  
the learned Single Judge has disposed of the aforesaid  
Interlocutory Application filed by the appellant seeking  
vacation of the interim order dated 21.03.2023 passed in the  
aforesaid Writ Petition and has made the interim order dated  
21.03.2023 absolute.

4. Facts giving rise to filing of this Writ Appeal briefly stated are that respondent No.6/writ petitioner had filed Writ Petition No.7830 of 2023 in which the action of official respondents in according permission to establish a new toddy shop in Kamareddy Municipality area in favour of the appellant was assailed on the ground that the appellant has been permitted to operate the toddy shop in the same area of operation of the toddy shop by respondent No.6/writ petitioner.

5. The learned Single Judge granted an ad interim order dated 21.03.2023 directing the parties to maintain status quo. The appellant thereupon filed an application seeking vacation of the aforesaid interim order. The learned Single Judge by an order dated 30.06.2023 has held that whether the appellant is operating the toddy shop in the same area of operation of toddy shop by the writ petitioner or is having a separate area for operation of toddy shop requires detailed consideration. Therefore, the interim order granted on 21.03.2023 was made absolute and the application seeking vacation of stay was disposed of. Hence, this Writ Appeal.

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6. Learned Senior Counsel for the appellant submitted that the learned Single Judge ought to have assigned cogent reasons while deciding the application seeking vacation of the aforesaid interim order. It is therefore prayed that the order dated 30.06.2023 passed by the learned Single Judge be set aside and the matter be remitted to the learned Single Judge to decide I.A.No.2 of 2023 filed by the appellant seeking vacation of order of stay dated 21.03.2023 afresh.

7. On the other hand, learned Senior Counsel for respondent No.6 has supported the order passed by the learned Single Judge.

8. We have considered the submissions made on both sides.

9. The learned Single Judge while passing the order dated 30.06.2023 has not adverted to the grounds urged by the appellant in the application seeking vacation of the stay and has disposed of the application seeking vacation of the stay. Therefore, we set aside the order dated 30.06.2023 in I.A.No.2 of 2023 and request the learned Single Judge to decide the

aforesaid Interlocutory Application afresh expeditiously. However, we may clarify that since the pleadings in the Writ Petition are also complete, the learned Single Judge shall be at liberty to decide the Writ Petition itself on merits.

10. Accordingly, the Writ Appeal is disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

**SD/-B.SATYAVATHI  
DEPUTY REGISTRAR**

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**SECTION OFFICER**

**To,**

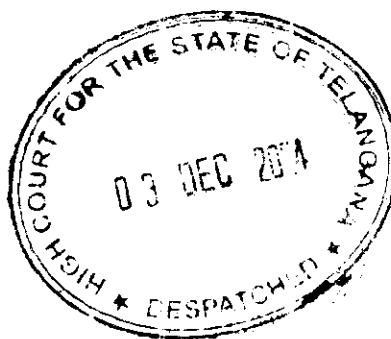
1. The Principal Secretary, Revenue (Excise II) Department, Secretariat Buildings, State of Telangana, Hyderabad.
2. The Commissioner of Prohibition and Excise Government of Telangana, Excise Bhavan, Nampally, Hyderabad.
3. The Deputy Commissioner of Prohibition and Excise, Government of Telangana, Nizamabad Division, Nizamabad.
4. The District Collector, (Prohibition and Excise), Kamareddy District Government of Telangana, Kamareddy.
5. The District Prohibition and Excise Officer cum Functional Registrar TICS, Kamareddy Government of Telangana, Kamareddy, Kamareddy District.
6. One CC to SRI I.GOPAL SHARMA, Advocate. [OPUC]
7. Two CCs to GP FOR PROHIBITION & EXCISE, High Court for the State of Telangana. [OUT]
8. One CC to SRI Y.PANDARINATH GOUD, Advocate. [OPUC]
9. The **Section Officer, Posting Section**, High Court for the State of Telangana at Hyderabad.
10. The **Section Officer, Non-Service Section**, High Court for the State of Telangana at Hyderabad.
11. Two CD Copies.

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BSK

**HIGH COURT**

**DATED:15/10/2024**



**JUDGMENT**

**WA.No.155 of 2024**

**DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS**

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