

State Of U.P. And Ors. vs Sushil Chandra And Anr. on 10 August, 1970

Equivalent citations: AIR1970SC2191, (1971)3SCC833, AIR 1970 SUPREME COURT 2191

Author: J.C. Shah

Bench: A.N. Grover, J.C. Shah, K.S. Hegde

JUDGMENT

J.C. Shah, J.

1. In our judgment these two appeals are frivolous. They should never have been brought to this Court.
2. The High Court of Allahabad made an order on April 24, 1970 in a writ petition (challenging the validity of certain order of the State of Uttar Pradesh) issuing an ad interim injunction restraining the State of U. P. and its officers from interfering with the sale of country liquor at their country liquor shop by the respondents in this appeal. The Court however reserved liberty to the State and its officers to move for vacating the order "if and when the occasion arose". It was also directed that the State and its officers will not prevent the respondents from "lifting their quota of country liquor."
3. On April 30, 1970, an application was submitted on behalf of the State for vacating the order pursuant to the liberty reserved by the Court. The High Court made another order on May 7, 1970 by which the previous order dated April 24, 1970 was confirmed.
4. It is urged on behalf of the State that the second order was made on the application dated April 30 1970. That contention appears to be wholly unsustainable. It is clear from the terms of the order that the High Court had directed that all the remaining applications which were filed in the proceedings should be listed for hearing on May 14, 1970, and that in the meantime the State and its officers will comply with the previous order dated April 24, 1970. The High Court had, with a view to investigate the question as to whether the respondents had right to the relief claimed, given ad interim relief slaying the operation of an order challenged by the respondents. The order was purely temporary. The matter was going to be dealt with by the High Court. We fail to see any reason why the Slate should have rushed to this Court and asked this Court to entertain the proceedings and to grant a stay of the proceedings.

5. The appeals are dismissed with costs. One hearing fee.