



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 12TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100709 OF 2025 (GM-PDS)

BETWEEN:

THE SECRETARY/PRESIDENT,
KASHILINGESWAR MULTI PURPOSE
SOUHARDA CO-OPERATIVE SOCIETY,
PALAM BHAVI,
TQ. RAIBAG,
DIST. BELAGAVI-591317.

...APPELLANT

(BY SRI. SHIVARAJ P. MUDHOL, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
APPELLATE AUTHORITY,
BELAGAVI,
AT. BELAGAVI,
DIST. BELAGAVI-591317.
2. THE JOINT DIRECTOR,
O/O THE DEPUTY COMMISSIONER,



FOOD AND CIVIL SUPPLIES,
MAHANTESH NAGAR, BELAGAVI,
AT. BELAGAVI, TQ. BELAGAVI,
DIST. BELAGAVI-590017.

3. THE TAHASILDAR RAIBAG,
TQ. RAIBAG,
DIST. BELAGAVI.
DEPARTMENT, BAGALKOT,
AT. BAGALKOT,
DIST. BAGALKOT-591317.

4. KRISHNA,
S/O SUKHADEV KAMBLE,
AGE. 26 YEARS, OCC. AGRICULTURE,
R/O. PALAN BHAVI, TQ. RAIBAG,
DIST. BELAGAVI-591235.

...RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R1 TO R3
SRI. SABEEL AHAMAD, ADVOCATE FOR SRI. D.V. PATTAR,
ADVOCATE FOR C/R4)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET-ASIDE THE ORDER
PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION
NO.102238/2024 DECIDED ON 28/08/2025 AND TO DISMISS
THE WRIT PETITION BY ALLOWING THIS WRIT APPEAL IN THE
INTEREST OF JUSTICE AND EQUITY.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY
HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS
UNDER:



CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

Respondent No.4 before the learned Single Judge is in appeal filed under Section 4 of the Karnataka High Court, 1961, questioning the correctness or otherwise of the order dated 28.08.2025 in W.P. No.102238/2024 passed by the learned Single Judge, whereunder, the authorization to run fair price shop at Palambhavi Village, Raibag Taluk, is quashed, with a direction to issue licence to the petitioner in accordance with the Karnataka Essential Commodities Public Distribution System (Control) Order, 2016 (for short, 'the Control Order, 2016').

2. Parties hereinafter would be referred to as per their rankings before the learned Single Judge.

3. Respondent No.2, under notice dated 22.11.2022 (Annexure-B), invited applications for grant of licence to run a fair price shop at Palambhavi Village, Raibag Taluk. In pursuance



of the said notice, the petitioner as well as respondent No.4, and others submitted applications. Respondent No.2 found that respondent No.4 was eligible, and under Annexure-G dated 10.01.2023, granted fair price shop licence to respondent No.4, the appellant herein, on certain conditions. It is submitted that respondent No.4, in pursuance of the same, is running a fair price shop at Palambhavi Village, Raibag Taluk. The said grant of licence to run fair price shop was challenged before the appellate authority (the Deputy Commissioner) by the petitioner, and the Deputy Commissioner dismissed the appeal of the petitioner. Against the rejection of the appeal as well as grant of licence in favour of respondent No.4, the petitioner was before this Court in the above stated writ petition. The learned Single Judge, under impugned order, allowed the writ petition, set aside the authorization granted in favour of respondent No.4 solely on the ground that under Rule 6 of the Control Order, 2016, a Souharda Co-operative Society i.e., respondent No.4 does not fall within the purview of classification in Rule 6(1)(b)(ii). It is also noticed that the learned Single Judge has directed issuance of licence to



the petitioner. Questioning the said order of the learned Single Judge, respondent No.4 is in appeal.

4. Heard Sri. Shivaraj P.Mudhol, learned counsel for respondent No.4-Society, Sri. Sharad V.Magadum, learned Additional Government Advocate for respondent No.1 to 3, and Sri.Sabeel Ahamed, learned counsel for the petitioner. Perused the entire writ appeal papers.

5. Learned counsel, Sri. Shivaraj P.Mudhol, would mainly contend that the application of the petitioner was defective since he had not enclosed the Police Verification Certificate as required under the Control Order, 2016. He invites attention of this Court to the Police Verification Certificate produced at Annexure-C6, and submits that the said certificate is issued on 14.01.2023 whereas the last date for submission of the application was 21.12.2022. Thus, he submits that the petitioner could not have enclosed the Police Verification Certificate, dated 14.01.2023, along with his application dated 20.12.2022. Learned counsel submits that the petitioner failed to bring it to the notice of the learned Single Judge, the proper facts and



therefore, the learned Single Judge's order is a result of non-appreciation of the true facts.

6. Per contra, Sri. Sabeel Ahamed, learned counsel for the petitioner would submit that the appellant is not eligible and the appellant would not fall within the purview of Souharda Co-operative Society under Rule 6(1)(b)(ii) of the Control Order, 2016, as noticed by the learned Single Judge. Therefore, he submits that the appellant has no locus to file an appeal or to challenge the direction issued by the learned Single Judge to issue licence in favour of the petitioner. Thus, he would pray for dismissal of the writ appeal.

7. Sri. Shivaraj P.Mudhol, learned counsel for respondent No.4/appellant admits that the appellant-Society is a Society registered under the Karnataka Souharada Sahakara Sangha Act, 1997 (for short, 'the Act of 1997') and not under the provisions of the Karnataka Co-operative Societies Act, 1959. It is seen that under Order 6 of Control Order, 2016, the Societies registered under the Act of 1997 is not included for being eligible for grant of licence to run fair price shop.



8. Learned Counsel, Sri. Sabeel Ahamed also admits that the petitioner had not enclosed the Police Verification Certificate, dated 14.01.2023, along with his application for grant of fair price shop submitted on 20.12.2022.

9. Annexure-C6, the Police Verification Certificate dated 14.01.2023, for the first time, was produced before the learned Single Judge. It is an admitted fact that the respondent No.4/appellant, though served with notice, neither appeared before the learned Single Judge nor was represented by a counsel. Even the learned Additional Government Advocate, who appeared on behalf of the Government, failed to point out that the Police Verification Certificate is dated 14.01.2023 issued subsequent to the last date of submission of the application. The learned Single Judge, without noticing the date of issuance of Police Verification Certificate, proceeded to issue a direction to the licencing authority to issue licence to the petitioner. The learned Single Judge could not have issued a positive direction to issue a licence to the petitioner. However, the learned Single



Judge could have issued a direction to consider the eligibility of the petitioner and if he was eligible, to grant authorization.

10. For the reasons recorded above, we pass the following:

ORDER

- (i) The writ appeal is partly allowed.
- (ii) The direction issued by the learned Single Judge, to issue a licence to the petitioner in accordance with the Control Order, 2016 is set aside. The finding insofar as respondent No.4 not falling within the purview of any of the classifications in Rule 6(1)(b)(ii) is upheld.
- (iii) Respondent No.2 is directed to call for fresh application for issue of authorization to run a fair price shop at Palambhavi Village, Raibag Taluk. Respondent No.2 shall complete the process of calling applications for grant of authorization, as directed above, within three months from today.
- (iv) Till fresh applications for grant of licence is called for and till the grant of authorization to run fair price shop, respondent No.4 herein shall continue to run the fair price shop at



Palambhavi Village, Raibag Taluk, and thereafter, respondent No.4 shall have no right to continue.

Pending interlocutory applications, if any, stand disposed of as not surviving for consideration.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

KMS, CT:VP
LIST NO.: 1 SL NO.: 44