



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 3RD 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.100720 OF 2025 (EXCISE)

BETWEEN:

AJIT,
S/O DEVAPPA HUKKERI,
AGE. 28 YEARS, OCC. DRIVER,
R/O KUDACHI,
TQ. RAIBAG,
DIST. BELAGAVI 511311.

...APPELLANT

(BY SRI. SHIVARAJ P. MUDHOL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF EXCISE,
BENGALURU 560001.
2. THE COMMISSIONER OF EXCISE,
TTMC 'A' BLOCK, SHANTINAGAR,
BENGALURU 560027.
3. THE DEPUTY COMMISSIONER,
BELAGAVI,
DIST. BELAGAVI 590001.



4. THE DEPUTY COMMISSIONER
OF EXCISE,
BELAGAVI NORTH DISTRICT,
CHIKKODI, AT. CHIKKODI,
TQ. CHIKKODI,
DIST. BELAGAVI 591201.
5. THE DEPUTY SUPERINTENDENT
OF EXCISE,
ATHANI, SUB-DIVISION,
ATHANI, AT. ATHANI,
TQ. ATHANI,
DIST. BELAGAVI 591304.
6. THE INSPECTOR OF EXCISE,
RAIBAG RANGE,
RAIBAG, AT. RAIBAG,
TQ. RAIBAG,
DIST. BELAGAVI 591317.
7. M/S RATNA ENTERPRISES,
R/BY ITS PARTNER,
SUDHAKAR,
S/O CHANDRAKANT SALIYAN,
NO.1691, KUDACHI (RURAL),
TQ. RAIBAG,
DIST. BELAGAVI 591317.

...RESPONDENTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVT. ADVOCATE FOR R1-R6;
SRI. SADIQ N. GOODWALA, ADVOCATE FOR R7)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO CALL FOR RECORDS AND TO SET-ASIDE THE ORDER DATED 17/10/2025 IN W.P.NO.101875/2025 PASSED BY THE LEARNED SINGLE JUDGE AND ALLOW THE WRIT PETITION IN ITS ENTIRETY 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)

Sri. G.K.Hiregoudar, learned Principal Government Advocate accepts notice for respondents No.1 to 6.

2. Sri. Sadiq N.Goodwala, learned counsel, having entered caveat, accepts notice for respondent No.7.

3. Heard Sri. Shivaraj P.Mudhol, learned counsel for the appellant and the learned counsels for the respondents. Perused the entire writ appeal papers.

4. The appellant/petitioner was before the learned Single Judge in W.P. No.101875/2025 filed under Article 226 of the Constitution of India, questioning Annexure-P, order dated 05.03.2025 prior approval for grant of CL-7 licence for the year 2024-25. The said challenge was dismissed under the impugned



order dated 17.10.2025. While dismissing the writ petition, the learned Single Judge, at paragraph 9 of the impugned order, has observed as follows:

"9. Assuming that there is any violation by respondent No.7, the petitioner may have to file the Public Interest Litigation as the petitioner is not directly affected by the proposed business of respondent No.7, which is said to be commencing, if permission granted at a distance of more than 500 metres from the petitioner's residence."

5. Learned counsel Sri. Shivaraj P.Mudhol for the appellant would submit that subsequently, a fresh order dated 26.11.2025 prior approval for grant of CL-7 licence for the year 2024-25 and CL-7 licence dated 28.11.2025 is issued to respondent No.7, and to challenge those orders, the observation of the learned Single Judge, at paragraph No.9, would come in the way of the appellant. In that, he submits that the appellant is bringing to the notice of the authorities, the violation of Karnataka Municipalities Act and other provisions of law. He submits that, when the appellant-petitioner points out violation of certain law for issuance of CL – 7 licence, it would not be a



public interest litigation. Thus, he would pray for setting aside the observation made in paragraph 9 of the impugned order.

6. *Per contra*, Sri. G.K.Hiregoudar, learned Principal Government Advocate would submit that the appellant/petitioner has no private interest nor is a rival trader; the appellant/petitioner is pointing out certain violations as a general public and as such, the learned Single Judge has rightly observed that, if there is any violation by respondent No.7, it is open for the petitioner to file a public interest litigation. Thus, he would pray for dismissal of the writ appeal.

7. Having heard the learned counsel for the parties and on perusal of the entire writ appeal papers, we are of the considered opinion that no ground is made out to interfere with the impugned order passed by the learned Single Judge, more particularly, the observation made vide paragraph No.9 of the impugned order.

8. As noticed, the appellant/petitioner has no private interest nor is a rival trader. The allegation of the appellant is that respondent No.7 has obtained CL-7 licence to an



unauthorized building which is built in violation of the municipal laws. The said building is said to be within the jurisdiction of the Town Municipal Council, Kudachi. The appellant/petitioner is pointing out certain violation in issuance of licence, as a general public. In that view of the matter, the observation of the learned Single Judge is proper and correct, and the impugned order of the learned Single Judge does not warrant interference by this Court. Accordingly, the writ appeal stands rejected.

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

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

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