



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 20TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT APPEAL NO. 100560 OF 2025 (GM-PDS)

BETWEEN:

SHRI SHIVAPPA

S/O BASAVANNEPPA KOPPADGANIGER,

AGE: 60 YEARS, OCC. OWNER FAIR PRICE SHOP,

R/O. 37 S.B. KOPPADGANIGER, GANJIGATTI,

TQ. KALAGHATAGI, DIST. DHARWAD-581 204.

... APPELLANT

(BY SRI. AKARSH MITTALKOD, ADVOCATE FOR

SRI. MITTALKOD SANGAPPA HUCHACHAPPA, ADVOCATE)

AND:

1. GOVERNMENT OF KARNATAKA,
REPRESENTED BY PRINCIPAL SECRETARY,
FOOD AND CIVIL SUPPLIES DEPARTMENT,
VIKASA SOUDHA, BANGALORE-560 001.
2. DEPUTY COMMISSIONER,
UB HILLS ROAD, NEAR HINDI PRACHAR SABHA
CIRCLE, MALMADDI, DHARWAD,
KARNATAKA-580 001.



3. JOINT DIRECTOR,
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS,
DHARWAD-580 001.
4. TAHASILDAR KALAGHATAGI,
TQ. KALAGHATAGI,
DIST. DHARWAD-581 204.

... RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R1 AND R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO CALL FOR RECORDS IN W.P. NO.102099/2024 (GM-PDS) ON THE FILE OF SINGLE JUDGE OF THIS COURT; SET ASIDE THE ORDER PASSED BY THE SINGLE JUDGE IN W.P. NO.102099/2024 (GM-PDS) DATED 28.07.2025 AND CONSEQUENTLY ALLOW THE WRIT PETITION AN QUASH THE ENDORSEMENT DATED 05.02.2024 AND DIRECT THE RESPONDENT NO.3 TO CONSIDER THE APPELLANTS APPLICATION IN THE LIGHT OF ORDER PASSED IN W.P. NO.148551/2020 (GM-PDS) AND RENEW THE LICENSE FOR RUNNING FAIR PRICE SHOP LICENSE IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

1. The appellant herein preferred W.P. No.102099/2024 on the ground that the authorities concerned refused to renew his licence granted to run a fair price shop.

2. The learned Single Judge without examining whether the appellant was entitled to renewal or not, passed the following order:

"3. It is not in dispute that the petitioner has been distributing food grains for 20 years. The license having expired, the learned AGA submits that given 6 weeks time, a paper publication would be taken inviting applicants for the purpose of distribution of food grains in Ganjigatti, Kalghatagi taluk and the same would answer the grievance of the petitioner inasmuch as the petitioner would take part in the said application process by submitting his application as regard to the advertisement taken out by respondent and if successful the petitioner could be awarded the authorization.

*4. Hence, with the above observation the petition **stands disposed** with a further direction to the respondent to continue to supply the food grains to the petitioner until the above process is completed."*



3. Aggrieved by the order of learned Single Judge, the present writ appeal is filed.

4. The case of the appellant is that he is entitled to automatic renewal of the licence to run a fair price shop, more so in the light of the fact that he has not committed any violations which would prohibit him from being granted such renewal. It is further contended that once a licence is granted, unless it is cancelled for violation of the conditions mentioned therein or under the rules applicable to fair price shops, he is entitled to automatic renewal.

5. Per contra, learned AGA, upon instructions, submits that the appellant is not entitled to automatic renewal and that he is entitled only to one-time renewal, thereafter the authorities have liberty to auction the fair price shop, in which the appellant is also at liberty to participate. It is further submitted that the appellant is not permitted to distribute food grains under the fair price shop and that he was granted permission only to supply kerosene, which is no longer supplied through fair price shops. The permission to supply food grains, according to the learned AGA, was only a temporary arrangement. He further submits



that the appellant has an alternative and efficacious remedy under Rule 17 of the Karnataka Essential Commodities (Public Distribution System) Control Order, 1992 (For short 'the Control Order, 1992').

6. Rule 17 of the Control Order, 1992 reads as under:

"17. **Appeal** : (1) Any person aggrieved, by an Order of the Authorized Authority refusing to issue or renew an authorization or canceling or suspending an authorization or forfeiting the security deposited by the authorized dealer under the provisions of this order may appeal to the Appellate Authority within thirty days of receipt by him of such order.

Provided that the Appellate Authority may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(2) No such appeal shall be disposed of unless the aggrieved person has been given a reasonable opportunity of being heard.

(3) Pending the disposal of an appeal, the Appellate Authority may direct that the order under appeal shall not take affect until the appeal is disposed of."

7. The appellant is not in a position to dispute the aforementioned provision and the fact that he has an alternative and efficacious remedy.



8. It is seen from the impugned order, the learned Single Judge has not examined whether the petitioner is entitled to automatic renewal of the licence as prayed for by him or not. It is also not examined whether the petitioner was granted licence only to supply kerosene or also for supplying food grains. Further it has also not examined whether the permission to supply goods was for a temporary period or not.

9. Further, both the appellant as well as the respondents/State are of the opinion that the appellant should be relegated to the appellate authority to address his grievance. Under the circumstances, we are of the opinion that the interest of justice would be met if the appellant is granted liberty to approach the appellate authority and to accord him protection for a period of 30 days. Hence, the impugned order passed in W.P. No. 102099/2024 is hereby set aside.

10. The appeal is disposed of reserving liberty to the appellant to approach the appellate authority in terms of the Rule 17 of the Control Order, 1992. A period of 30 days from today is granted to the appellant to prefer such appeal and the appellate authority is directed to consider the application of the



appellant on merits in accordance with law, without being influenced by any of the observations made hereinabove.

11. The respondents shall not take any precipitative action against the appellant for the said period of 30 days or till any order is passed by the appellate authority, whichever is earlier.

12. In view of the disposal of the appeal, the pending interlocutory applications, if any, do not survive for consideration and stand disposed of accordingly.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**