



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 530 OF 2026 (APMC)

BETWEEN:

1. AGRICULTURAL PRODUCE
MARKETING COMMITTEE
SHIVAMOGGA
APMC YARD
SHIVAMOGGA - 577 201

...APPELLANT

(BY SRI CHETAN RAMESH, ADVOCATE FOR
SRI NANDA KISHORE, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF CO-OPERATION
M.S. BUILDING
BENGALURU - 560 001
2. THE DIRECTOR OF AGRICULTURAL
MARKETING AND APPELLATE AUTHORITY
No.16/11, RAJABHAVANA ROAD
BENGALURU - 560 001
3. SHRI SUBRAMANYA K.J.
S/O SHRI. JAGADISH K.S.
AGED ABOUT 32 YEARS

Digitally signed
by MAYAGAIAH
VINUTHA
Location: High
Court of
Karnataka



WORKED AS WEIGHMEN
R/AT LAKSHMI NILAYA E BLOCK
SWAMI VIVEKANANDA BADAVANE
SHIVAMOGGA - 577 202

...RESPONDENTS

(BY SRI.K.S.HARISH, GOVERNMENT ADVOCATE FOR R1 & R2;
SMT.SHILPA RANI, ADVOCATE FOR R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
IMPUGNED JUDGEMENT AND ORDER, DATED 11/11/2025, PASSED
BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.8501 OF
2024 (APMC) & ETC.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant, Agricultural Produce Marketing Committee
[APMC], has filed the present appeal impugning the order
dated 11.11.2025 passed by the learned Single Judge in Writ
Petition No.8501/2024 [APMC].



2. The third respondent (writ petitioner) had filed the said petition impugning an endorsement dated 27.02.2024, whereby the APMC had imposed conditions for considering his application for renewal of the Weighman Licence [**Licence**], and further stated that no fresh Weighman Licence could be issued in view of the Government Circular dated 31.12.2025. The third respondent's request for renewal of licence was rejected on the ground that he had violated condition No.3 of the licence agreement letter, by simultaneously taking up employment with a security agency while holding the licence. The learned Single Judge found that the said issue was considered in an earlier round of litigation [W.P.No.6227/2023 (APMC)] and directions were issued to accept an unconditional apology or undertaking that the writ petitioner shall not pursue any other employment. Thus, the ground that the third respondent was simultaneously pursuing two employment could not be considered as a ground for rejection of his request for renewal of the licence.



3. The APMC contends that the issue was not concluded in the earlier round of litigation and therefore, the learned Single Judge has erred in proceeding on the said basis.

4. The controversy in the present appeal arose in context of the following facts:

4.1 The third respondent held the licence issued under Rule 79 of the Karnataka Agricultural Produce Marketing (Regulation and Development) Rules, 1968 [**the Rules**] from the year 2010-2011 to 2021-22. During the said period, he worked as a weighman at the APMC yard.

4.2 On 02.03.2022, the third respondent filed an application for renewal of his licence along with the requisite fee. This application was made as the licence would expire on 31.03.2022. While the third respondent's application for renewal was pending, a complaint was received from an ex-weighman alleging that the third respondent was also employed with Bhadratha Security Agency (the name of the Security agency is mentioned as M/s. Novel Security Services in the earlier proceedings), while he was employed as a weighman



with APMC, which was not permissible. In view of the aforesaid complaint, the APMC decided to conduct an enquiry and called upon the third respondent to explain his dual employment.

4.3 Immediately upon being called to respond, the third respondent accepted that he had been employed as a security guard with Bhadratha Security Agency from 2017 to March 2022. During this period, he also held the licence. Admittedly, he was receiving a salary and other benefits from Bhadratha Security Agency as well as income from his work as a weighman. It is pertinent to note that the third respondent also tendered his apology for violating the licence conditions.

4.4 Considering that the third respondent had violated the terms and conditions of the licence, the APMC passed an order dated 26.05.2022 rejecting the third respondent's request for renewal of the licence. This was communicated to the third respondent in a letter dated 31.05.2022, and the application fee was refunded.

4.5 The third respondent appealed the said decision before the second respondent [Director, APMC]. However, the said



appeal was also dismissed by an order dated 30.01.2023. Aggrieved by the same, the third respondent filed the writ petition being W.P.No.6227/2023 in this Court. The said petition was disposed of by an order dated 23.01.2024 and the matter was remitted to APMC for reconsideration of the third respondent's application for renewal of the licence.

4.6 Thereafter, the third respondent had made a fresh representation for renewal of his licence. It is relevant to note that the third respondent had, while W.P.No.6227/2023 was pending, made a fresh application dated 27.06.2023 for the issuance of a licence.

4.7 The APMC took a decision to consider the third respondent's application subject to the condition that he repaid the sum of ₹5,50,356/- [Rupees five lakh fifty thousand three hundred and fifty six only] to the Weighman's Welfare Fund. On the basis of the said decision, the APMC issued an endorsement dated 27.02.2024 directing the third respondent to deposit the aforesaid amount of ₹5,50,356/- with the Weighman's Welfare Fund for violation of condition No.3 of the Licence Agreement Letter [condition not to undertake any other employment].



4.8 The said endorsement was impugned by the third respondent in W.P.No.8501/2024 (APMC), which was allowed in terms of the impugned order.

5. It is apparent from the above that there is no dispute that the third respondent had violated the terms of the license (Licence Agreement Letter). As noted above, he readily conceded that he had taken up employment with the Security Agency in violation of condition No.3 of the said licence. He has also tendered his apology as required by the APMC. However, notwithstanding the same, the APMC had rejected the third respondent's request for renewal of licence.

6. It is not necessary for this Court to examine whether the APMC's decision to reject the third respondent's request for renewal of the licence on account of violation of condition No.3, of the licence, is sustainable, or warrants interference by this Court. We say so because the said issue was subject matter of consideration in W.P.No.6227/2023, which was disposed of by an order dated 23.01.2024. A plain reading of the order passed by the Court in the said petition indicates that the matter was



remanded to the APMC to consider the third respondent's request for renewal of the licence, notwithstanding that he had violated the terms and conditions of the licence.

7. A plain reading of the said order indicates that the rival contentions in this regard were considered by the Court. It is the third respondent's case that he readily accepted that he was remiss and responded to the show cause notice, accepting that he joined the services of the Security Agency while holding the licence. However, he stated that he would not continue to work in a Security Agency and also tendered his unconditional apology as sought for.

8. The learned counsel appearing for the third respondent also made a statement that the third respondent would submit an Affidavit of Undertaking unconditionally affirming that he would not do anything which would entail disqualification under Sub-Rule (5) of Rule 79 of the Rules.

9. The third respondent's grievance is that the APMC proceeded to reject his application for renewal despite the apology noted by the Court. Additionally, the third respondent



contends that the order is contrary to the APMC's submissions made in the earlier proceedings. During the course of those proceedings, it was contended on behalf of the APMC that since the third respondent had accepted that he had been disqualified under the Rules, no interference by the Court was warranted. After noting the aforesaid contentions, the learned Single Judge held as under:

"5. A perusal of the material on record clearly indicates that the petitioner had joined the services of 'M/s. Novel Security Services' upto March, 2022. However, upon receipt of the notice at Annexure-B and B2 dated 4.4.2022 and 20.4.2022 respectively, the petitioner has submitted his reply dated 13.4.2022 and 27.4.2022 categorically and unconditionally stating that the petitioner would not henceforth join the services or do any act, any deed or thing so as to incur disqualification under Rule 79(5) of the aforesaid Rules. In this context, it is relevant to state that the submission of the learned Counsel for the petitioner that the petitioner would file an affidavit of undertaking to the aforesaid effect is placed on record.

6. Under these circumstances, in order to provide one more opportunity to the petitioner to submit an affidavit of undertaking and seek renewal of the license subject to condition that the petitioner would not join the services of weighmen or do any act, deed or thing so as to incur disqualification either under Rule 79(5) or any other statutory provisions, I deem it just and proper to set aside the impugned orders at Annexures-E and G dated 31.5.2022 and 30.1.2023 respectively as well as the subsequent impugned endorsement dated 15.7.2023 vide Annexure-H and remit the matter to the 3rd



respondent for re-consideration afresh of the application for renewal of the weighmen license submitted by the petitioner for the year 2023-2024 in accordance with law.

7. In the result, I proceed to pass the following:

ORDER

- a The petition is hereby allowed.*
- b The matter is remitted to the 3rd respondent for re-consideration afresh of the application for renewal of the weighmen license submitted by the petitioner for the year 2023-2024 in accordance with law;*
- c The petitioner shall file an affidavit of undertaking before respondent No.3 for the purpose of enabling consideration of his application for renewal of license;*
- d Liberty is also reserved in favour of the petitioner to produce additional pleadings and documents before the 3rd respondent which shall be considered by the 3rd respondent in accordance with law;*
- e The petitioner is directed to appear before the 3rd respondent on 12.2.2024 and submit his pleadings and documents including the affidavit of undertaking referred to supra;*
- f Immediately upon the petitioner submitting his pleadings, documents and affidavit of undertaking referred to supra, respondent No.3 shall consider the application of the petitioner for renewal of weightmen license and pass appropriate orders on the same within a period of 15 days from 12.2.2024."*



10. A plain reading of the aforesaid extract from the order dated 23/01/2024 indicates that the learned Single Judge decided to provide one more opportunity to the third respondent to seek renewal of the licence subject to the condition that he would not incur any disqualification in future. The third respondent was also directed to file an undertaking to the said effect. Plainly, the import of the said order is that on the third respondent furnishing his apology and undertaking, the violation of condition No.3 was required to be overlooked. The APMC had unreservedly accepted the said decision. Plainly, if the APMC had not accepted the said decision, it was required to avail of its remedies. There would be no point in the third respondent repeatedly submitting his apologies and further giving an undertaking not to violate condition No.3 in future, if his past conduct was to be considered as a disqualification.

11. In view of the above, we find no grounds to interfere with the impugned order.

12. We may also clarify that this order will not be construed to mean that this Court has accepted the view that the violation



of condition No.3 of the licence or the Rules ought to have been condoned. Our decision rests only on the ground that this issue had, in the given facts, attained finality by an earlier order passed by the learned Single Judge.

13. The question whether respondent No.3 is required to refund the amount withdrawn from Weighman's Welfare Fund is also left open. In the event the third respondent has illegally or wrongfully drawn funds from the said fund, this order will not preclude the concerned authority from otherwise recovering the said amount.

14. The appeal is, accordingly, dismissed.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**