



CNR: KAHC010420892023

NC: 2026:KHC:37093
WP No. 18227 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 18227 OF 2023 (GM-PDS)

BETWEEN:

R. CHALIMESWAMY
S/O RAMAIAH
AGED ABOUT 42 YEARS
RESIDENT OF JAJURU VILLAGE
PARASHURAM HOBLI
CHALLAKERE TALUK
CHITRADURGA DISTRICT

...PETITIONER

(BY SRI. KESHAVA CHANDRA S.P, ADVOCATE FOR
SRI. H.C. SHIVARAMU, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT
DEPARTMENT OF FOOD AND CIVIL
SUPPLIES, VIKAS SOUDHA
DR. AMBEDKAR VEEDHI
BENGALURU-560 001
2. THE JOINT DIRECTOR OF FOOD AND
CIVIL SUPPLIES
CHITRADURGA DISTRICT
CHITRADURGA-577 501



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3. THE TAHSILDAR
CHALLAKERE TALUK-577 522
CHITRADURGA DISTRICT

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED COMMUNICATION DTD 25.07.2023 ISSUED BY THE R-2 TO THE R-3 IN NO CSD .CR.34/2022-23 AT ANNEX-G AND ISSUE A WRIT OF MANDAMUS OR SIMILAR WRIT OR ORDER OR DIRECTION TO THE R-2 AND 3.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. The short grievance of the petitioner is that though this Court by order dated 20.03.2023 passed in W.P.No.20328/2022, filed by the petitioner herein had quashed the notification dated 13.09.2022 and had remitted the matter to the Joint Director of Food and Civil Supplies to follow the mandate of Rule 11 of the Karnataka Essential Commodities (PDS) Control Order, 2016 and to pass an appropriate orders thereon, the



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respondent-Authority has issued the impugned Communication at Annexure-G dated 25.07.2023 calling for the spot mahazar report from the Tahsildar and that the said communication is issued in furtherance to the notification dated 13.09.2022 which has been quashed by this Court as noted.

2. Therefore, learned counsel for the petitioners submits that the process initiated by the respondent-Authorities in purported compliance to the direction issued by this Court is unsustainable as it is traceable to the notification dated 13.09.2022 which has been quashed.
3. Learned AGA, on the other hand submits that this Court while passing the Order dated 20.03.2023 at the instance of the petitioner herein, had remitted the matter to the Joint Director of Food and Civil Supplies, who has merely proceeded further in terms of the said direction and nothing else. He submits that there would be strict compliance to Rule 11 of the Karnataka Essential Commodities (PDS) Control Order, 2016.



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4. Heard and perused the records.
5. Annexure G is a communication dated 25.07.2023 issued by the respondent- Joint Director of Food and Civil Supplies, Chitradurga to the Tahsildar, Challakere, Chitradurga District. Reference No.2 made in the said communication is to the notification dated 13.09.2022. The said communication further indicate that pursuant to the said notification, 36 applications have been received from the applicants and Tahsildar has been called upon to conduct spot inspection and to submit a report in respect of the said 36 applications.
6. Perusal of Order dated 20.03.2023 in W.P.No.20328/2022 passed by this Court, indicate that the same was filed by the petitioner herein seeking quashing of the very notification dated 13.09.2022 which is relied upon and referred to by the respondent- Authorities in the impugned communication at Annexure-G.



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7. No doubt this Court had remanded the matter to Joint Director of Food and Civil Supplies for consideration strictly in accordance with Rule 11 of the Karnataka Essential Commodities (PDS) Control Order, 2016 and to pass appropriate order, which means that the entire process was required to be done afresh, more particularly, when the notification dated 13.09.2022 had been quashed. The respondent-Authority cannot proceed further, pursuant to the said notification dated 13.09.2022, which has already been quashed.
8. In that view of the matter, following:

ORDER

(i) Petition is ***allowed***.

(ii) Impugned Communication at Annexure-G dated 25.07.2023 is quashed.

(iii) It is made clear that the respondent-Authority shall proceed afresh to implement the direction issued by this Court by order dated 20.03.2023 passed in W.P.No.20328/2022, without reference to the said notification dated 25.07.2023.



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(iv) Such exercise shall be done by the respondent-Authority within an outer limit of three months from the date of receipt of certified copy of this order.

**Sd/-
(M.G.S. KAMAL)
JUDGE**

RL
List No.: 1 Sl No.: 13