



CNR: KAHC010473482022

NC: 2026:KHC:46187
WP No. 20610 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO. 20610 OF 2022 (GM-PDS)

BETWEEN:

SRI MAHAANTHESWARAPPA. C. M.
S/O MAHESHWARAPPA R,
AGED ABOUT 56 YEARS,
R/AT 19, T YEMMIGANUR VILLAGE,
HOLLALKERE TALUK,
CHITRADURGA DISTRICT,
CHITRADURGA - 577527.

...PETITIONER

(BY SRI NAGARAJA N, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
FOOD AND CIVIL SUPPLIES
AND LEGAL METROLOGY DEPARTMENT,
VIKASA SOUDHA, BANGALORE 560001.
2. THE DEPUTY COMMISSIONER,
CHITRADURGA DISTRICT,
CHITRADURGA - 577527.
3. THE JOINT DIRECTOR,
FOR FOOD AND CIVIL SUPPLY,
CHITRADURGA DISTRICT,
CHITRADURGA - 577527.

...RESPONDENTS

(BY SRI MAHANTESH SHETTAR, AGA)

Digitally
signed by
PRAMELA G V
Location:
HIGH COURT
OF
KARNATAKA



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT NOTIFICATION DTD 29.09.2022 ISSUED BY THE R-3 UNDER KARNATAKA ESSENTIAL COMMODITIES ACT PDS (CONTROL) ORDER, 2016 VIDE ANNEXURE-B IS ARBITRARY, VIOLATIVE OF ART.14 OF THE CONSTITUTION OF INDIA AND HENCE, ULTRAVIRES THE CONSTITUTION OF INDIA. QUASH THE NOTIFICATION DTD 29.09.2022 VIDE ANNEX-B.

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

Petitioner was issued authorization to run a Fair Price Depot in the year 1994-95.

2. About 404 cards have been attached to the Fair Price Depot being run by the petitioner.

3. By a Notification dated 29.09.2022 as per Annexure-B respondent-Joint Director, Chitradurga District, Chitradurga has called for applications proposing to open a new Fair Price Shop at Sihineerakatte, Amate and Hunasepanche for about 121 card holders.

4. Learned counsel for the petitioner submits that, if the proposed Notification is given effect to, it would reduce the



minimum number of cards to be held by the petitioner in terms of sub-clause (2) of Clause 11 of The Karnataka Essential Commodities (Public Distribution System) Control Order, 1992 and 2016 (for short 'Order, 2016') and there is no reason assigned satisfying the provisions required under the said Clause. Therefore, learned counsel submits that the impugned Notification is contrary to the provisions of Clause 11 of Order, 2016.

5. Learned Additional Government Advocate on the other hand, justifying the impugned Notification submits that the proposed Fair Price Depot is required to cater to the members of Thanda and the same is issued in furtherance to the amendment to Clause 11 of the Order, 2016. However, he fairly submits that proposed Notification would have effect of reducing the minimum number of cards to be held by a Fair Price Depot situated within the rural area.

6. Heard the learned counsel for the petitioner and learned Additional Government Advocate for the respondents and perused the records.



7. Sub-clause (2) of Rule 11 of The Karnataka Essential Commodities (Public Distribution System) Control Order, 1992 and 2016 read as under:

"11. Assignment of Ration card:

(1) XXX

(2) *The number of ration cards assigned to a fair price depot under sub-clause (1) shall not be less than 500 for a fair price depot in a rural area and not less than 800 for a fair price depot in an urban area:*

Provided that the Authorized Authority may, for reasons to be recorded in writing, relax the limit upto 100 cards for a fair price depot in a rural area if the fair price depot is to serve the needs of an isolated settlement or layout where the number of ration cards is below the limit prescribed viz., special areas like tribal hadis/ tandas / gollarahatti etc."

8. Admittedly, the Fair Price Depot being run by the petitioner is situated within the rural area, as such, the minimum number of cards to be held by a Fair Price Depot shall not be less than 500 as noted above.

9. Though the *proviso* to sub-clause (2) of Rule 11 of Order, 2016 provides for relaxing of the said condition for reasons to be recorded if it serves the needs of an isolated



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settlement or layout where number of cards is below the limit prescribed, no such reasons are emanating from the impugned Notification.

10. Hence, the following:

ORDER

- (i) The Writ Petition is ***allowed.***
- (ii) The impugned Notification as per Annexure-B dated 29.09.2022 is quashed.

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

GVP
List No.: 1 Sl No.: 5