



CNR: KAHC010480472026

NC: 2026:KHC:38133
WP No. 21540 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.21540 OF 2026 (GM-EC)

BETWEEN:

SRI. MANJUNATH,
AGED ABOUT 45 YEARS,
S/O LATE SHIVANNA,
R/AT RAMMANAHALLI VILLAGE,
MYSURU TALUK,
MYSURU DISTRICT.

...PETITIONER

(BY SRI. SHIVARAMU H.C., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER (FOOD),
MYSURU DISTRICT,
MYSURU - 570 011.
2. THE TAHSILDAR,
MYSURU TALUK,
MYSURU DISTRICT - 570 010.
3. SRI. SHIVAKUMAR,
MAJOR,
S/O R.P.SIDDAIAH,
R/AT RAMMANAHALLI,
MYSURU TALUK,
MYSURU DISTRICT - 570 019.

Digitally signed
by SHIVAKUMAR
RAGHAVENDRA

Location: HIGH
COURT OF
KARNATAKA



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4. THE COMMISSIONER FOR FOOD AND
CIVIL SUPPLIES,
MARKETING FEDERATION BUILDING,
5TH FLOOR, CUNNINGHAM ROAD,
BANGALORE - 560 052.

...RESPONDENTS

(BY SRI.MOHAMMED JAFAR SHAH, AGA FOR R1, R2 & R4;
SRI.J.C.KUMAR, ADVOCATE FOR C/R3)

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR SIMILAR WRIT OR ORDER OR DIRECTION TO
QUASH THE IMPUGNED ORDER DATED 19.05.2026 PASSED BY
THE FIRST RESPONDENT IN HIS ORDER NO.24/2010-11
PRODUCED AT ANNEXURE - J AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the
following reliefs:

*"WHEREFORE, the Petitioner respectfully
prays that this Hon'ble Court may be pleased
to:*

*i) Issue a writ of certiorari or similar writ or
order or direction to quash the impugned order
dated 19.05.2026 passed by the first
respondent in his Order No. 24/2010-11
produced at Annexure - J;*

*ii) Issue writ of mandamus to the respondent
No.2 to continue to allot the food gains in*



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favour of the petitioner by renewing the authorization from time to time as required under law;

iii) Issue any other appropriate writ or order or direction to the respondents deem fit in the circumstances of the case in the interest of justice and equity."

2. The dispute between the petitioner and respondent No.3 is chequered. The last litigation, which arose was decided by this Court vide order dated 25.03.2025 in WP.No.2448/2018 and the matter was remitted to respondent No. 1 therein i.e., the Deputy Commissioner who is also respondent No.1 herein to consider the eligibility of the petitioner and respondent No.3 in the terms of the observation made in the said order and in terms of Clause 5(1) of the Karnataka Essential Commodities (Public Distribution System) Control Order, 1992 (hereinafter referred to as the "Order of 1992" for short) within a period of 30 days.
3. In pursuance thereof, the impugned order has been passed on 19.05.2026 at Annexure J. By virtue of



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Annexure J, the application of respondent No.3 was considered and an authorization was issued to respondent No.3. It is the said order, which is under challenge in these proceedings.

4. Sri H.C.Srivaramu, learned counsel for the petitioner would submit that this Court having categorically directed respondent No.1 to verify the ownership of the property, in which, the Fair Price Shop could be established and respondent No.1 as observed therein in terms of Clause 5 of the Order of 1992.
5. Clause (5) of the Order of 1992 is reproduced hereunder for easy reference:

"5. Conditions for eligibility.- To be eligible for grant of Authorisation under Clause 3, an institution or person should satisfy the following conditions.-

(a) He should not have been convicted for an offence under the Essential Commodities Act, 1955 nor should a wholesale dealers licence or retail dealers licence issued to him under any order made under the Essential Commodities Act, 1955 or an authorisation issued to him to run a fair price depot have been cancelled;



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(b) He should be in possession of suitable business premises, and in the case of wholesale dealers, godowns with sufficient space to store the essential commodities;

(c) He should have sufficient funds in a bank purchase one month's stock account to requirements."

6. The aspect of consideration of an applicant for the grant of authorization would have to be on the basis of possession of suitable business premises and in the case of wholesale dealers, godowns with sufficient space to store the essential commodities. The aspect of business premises was considered in the aforesaid order and insofar as rural areas are concerned, this Court held that the business premises would not mean premises, which is zoned as such, but any property in the rural area could be taken into consideration.
7. The next issue that comes up is as regard to prioritization in terms of grant of authorization. The prioritization would have to be taken into



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consideration on the basis of whether the property is owned and possessed by the applicant.

8. In the present matter, the petitioner had placed on record the details of the property owned by the petitioner. Respondent No.3 has placed on record the details of the property, which is now owned by the mother and claimed to be a joint family property. The said property, therefore, is not the exclusive property of respondent No.3, but it is the joint family property.
9. While consideration of application filed for grant of authorization, the official respondents cannot be maliced with the duty of verifying the title to ascertain who are the owners of the property and of a joint family property, if all of them have any objections or not and if there is a dispute later on among the joint family members, the operation of the Fair Price Shop would also come into question. What is, therefore, required is that the property



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should stand in the name of the applicant who has exclusive and sole ownership thereof, which cannot be interfered with by others.

10. If such a property is provided, that would get a priority over any other property. In the event of among the applicants, none of them have ownership of the property, then the question of determining priority on the basis of the nature of right would arise.
11. In the present case, the petitioner being the owner of the property, the property documents standing in the name of the petitioner, the respondents having provided a property, which is in the name of his mother, which allegedly is a joint family property, the petitioner would have a priority over that of respondent No.3.
12. In that view of the matter, the order passed by respondent No.1 without considering these aspects



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does not satisfy the requirement. As such, this Court passes the following:

ORDER

- (i) The writ petition is ***allowed.***
- (ii) A certiorari is issued, the order dated 19.05.2026 passed by respondent No.1 in Order No.24/2010-11 at Anneuxre-J is quashed.
- (iii) Respondent No.2 is directed to renew the earlier licence of the petitioner and allot the food grains to the petitioner within a period of 30 days from today.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

PB
List No.: 1 Sl No.: 11