



CNR: KAHC010645152025

NC: 2026:KHC:37475
WP No. 29599 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.29599 OF 2025 (EXCISE)

BETWEEN:

SRI. HARI PRASAD B G
S/O GOPAL REDDY
AGED ABOUT 35 YEARS
R/AT HOUSE NO.120, SRINIDHI,
GOPALA REDDY COMPOUND
NEAR KADUBEESANAHALLI,
BENGALURU - 560 103

...PETITIONER

(BY SRI. MAHESHKIRAN SHETTY S, ADVOCATE)

AND:

Digitally signed
by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
REPRESENTED BY ITS SECRETARY,
VIDHANA SOUDHA,
BENGALURU - 560 001
2. THE COMMISSIONER OF EXCISE
OFFICE OF THE EXCISE COMMISSIONER,
2ND FLOOR, TTMC 'A' BLOCK,
BMTC BUILDING,
SHANTINAGAR,
BENGALURU - 560 027
3. THE DEPUTY COMMISSIONER OF EXCISE (BUD-5)
BENGALURU URBAN DISTRICT,
BENGALURU - 560 027



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4. THE INSPECTOR OF EXCISE
RANGE 30, MAHADEVAPURA, (BUD-5)
BENGALURU - 560 048

...RESPONDENTS

(BY SRI. MANJUNATH B, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR DIRECTION TO QUASH THE ENDORSEMENT DATED 24.09.2025 ISSUED BY THE RESPONDENT NO.3 IN THE SAKALA WEBSITE (OFFICIAL WEBSITE VERSION II) VIDE ANNEXURE-M REFUSING TO TRANSFER THE CL-9 LICENSE BEARING REGISTER NO.BURI3521-ARVB AND RVB LICENSE BEARING REGISTER NO.BURI3521-ARVB IN THE NAME OF THE PETITIONER AND ETC

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed seeking the following
prayer:

a) Issue a Writ in the nature of Certiorari or any other appropriate Writ or direction to quash the endorsement dated 24.09.2025 issued by the Respondent No. 3 in the SAKALA website (Official Website Version II) vide Annexure-M refusing to transfer the CL-9 license bearing Register No.



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BURI3521-ARVB and RVB license bearing Register No. BURI3521-ARVB in the name of the Petitioner;

b) Issue a Writ in the nature of Mandamus directing the Respondent No. 3 to transfer the CL-9 license bearing Register No. BURI3521-ARVB vide Annexure-B and RVB license bearing Register No. BURI3521-ARVB vide Annexure-C in the name of the Petitioner;

c) Issue a Writ in the nature of Mandamus directing the Respondents No. 2 and 3 not to interfere with the day to day business of the Petitioner till the transfer of the license in the name of the Petitioner;

d) Issue such other reliefs as this Hon'ble Court deems fit to grant in favour of the Petitioner by this Hon'ble Court in view of the facts and circumstances of the cases, in the interest of justice and equity."

2. The petitioner's case is that he is the son of one Gopal Reddy. Late Krishna Reddy was the elder brother of the father of the petitioner. It is stated that Late Premamma V, the petitioner's aunt, possessed and held a Form CL-9 license for the sale of Indian liquor or Foreign liquor to sell the liquor at premises bearing Site No. 1576, New EPID No. 2682407496, Khata No. 1552/1520/1576/1552, 4th Main Road, E-Block, AECS Layout, Marathahalli, Bangalore, which falls under the jurisdiction of respondent No. 3. It is stated that respondent No. 3 has issued the license and has renewed the Form CL-9 license for the excise year 2025-26. After receiving the



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prescribed license fee, the renewed CL-9 license for the excise year 2025-26, dated 23.07.2025, is valid up to 30.06.2030. It is stated that Late Premamma V also held an RVB license at the same premises, which was renewed for the excise years 2025-2026 by paying the necessary excise fees and is also valid up to 2030. Late Premamma V expired on 13.08.2025, leaving behind her legal heirs, whose names are detailed in the family tree placed before this court. The petitioner, along with others, succeeded to the estate of the deceased Premamma V, as her husband had already expired and her husband have no surviving children to succeed to this estate. The family of the petitioner decided to transfer the CL-9 license in the name of the petitioner. All other family members have given a no-objection certificate for transferring the CL-9 license in the name of the petitioner. It is stated that Rule 17-A of the Karnataka Excise (General Conditions of License) Rules, 1967 (hereinafter referred to as Rules, 1967) provides that, in the event of the death of the licensee or the lessee, the Deputy Commissioner may, on an application by the legal heirs of the deceased, with the previous sanction of the Excise



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Commissioner, transfer the license or the lease, as the case may be, in their favor.

3. It is stated that the petitioner has filed an application with respondent No.3, requesting that respondent No.3 to transfer the CL-9 license in the petitioner's favor under Rule 17-A of the Rules, 1967. The petitioner was required to submit an online application for the transfer of the license and accordingly submitted an online application seeking the transfer of the license in the petitioner's favor. The petitioner has also submitted a separate application requesting respondent No.3 to transfer the license, as the transfer is required to be completed within 45 days from the date of the licensee's death. The petitioner has also provided all necessary documents required for the purpose of transferring the license in the petitioner's favor. Various undertakings to abide by the statutory requirements were submitted along with the application. It is stated that all other legal heirs of Premamma.V. have submitted their no-objection certificates to respondent No.3, expressing their no objection to the transfer of the license in the petitioner's name. The petitioner has also sought the



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transfer of the trade license before the Food Safety and Standards Authority of India, which has also been transferred in the petitioner's name based on the family tree.

4. The petitioner's case is that respondent No. 3 refused to transfer the CL-9 license in the petitioner's name despite the petitioner providing all necessary documents substantiating the claim for transfer of the CL-9 license under Rule 17-A. By virtue of his endorsement dated 24.09.2025, respondent No. 3 refused to transfer the CL-9 license in the petitioner's name on the ground that the petitioner had not produced a no-objection certificate from the other legal heirs. The petitioner, being aggrieved by the said action of respondent No. 3, has filed this petition.

5. This writ petition is filed in the year 2025. When this matter came up before the Co-ordinate Bench of this court, the Co-ordinate Bench has passed an interim order on 26.09.2025, wherein the court has observed that:

"It is the apprehension of the petitioner that, due to the impugned order passed at Annexure-M, petitioner would be refused to continue the operation of the CL-9 license in the premises run by the petitioner, who is running business.



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The respondent shall not precipitate or take any coercive measures to either restrict the petitioner or close down the licensed premises, till next date of hearing.

Hand delivery of this order is permitted."

The said interim order is continued till now. Today, the matter was moved in the morning, stating that tomorrow is the last date for renewal of the license unless the orders are passed by this Court directing the respondents either to renew the license or till further orders not to interfere with the business. It is submitted that if the petitioner's license is not renewed, he will not be able to run the business. Hence, the matter is taken up today in the afternoon.

6. Learned counsel appearing for the petitioner submits that he has already filed a petition for a succession certificate before the competent court, and the petition is pending consideration. He further submits that the respondents shall be directed to renew the license till the petitioner submits his succession certificate. It is submitted that, if such an order is not passed, it would cause considerable hardship to the petitioner.



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7. Learned AGA, on the other hand, submits that one Ashwath Narayan Reddy has submitted a representation dated 14.10.2025, requesting that the license shall not be renewed in favor of the petitioner. Aswathnarayan Reddy is none other than the brother of the deceased and is entitled to the transfer of the CL-9 license, and that the license should not be transferred in the name of the petitioner. It is further submitted that if a representation is given to the respondents, the respondents will consider it and pass appropriate orders.

8. Having heard the learned counsel on either side, this Court has perused the material on the record. The petitioner is aggrieved by an endorsement by the respondents stating that, if a transfer of the license is required under Rule 17-A of the General Conditions, the party must submit the license. It is the petitioner's counsel's submission that, until he submits the succession certificate, the license shall be renewed in his favor. It is also the submission that the respondents are not passing any orders. If they pass an order, he would get an opportunity to question it. When the Rules prescribe that a license can be renewed in a particular manner, upon submission of a



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particular document, unless and until that procedure is followed, this Court cannot compel the respondents to do anything contrary to the Rules. The petitioner repeatedly submits that, until he gets a succession certificate, the license shall be renewed with the condition that this Court cannot pass an order. Already, in respect of the very same transfer of the license, objections have been filed by the brothers of the deceased before the respondents. When the statutory scheme requires a succession certificate or other prescribed documents before recognising a legal representative, the authority lacks jurisdiction to recognize any claimant until such requirement is fulfilled. Pendency of succession proceedings, hardship to the applicant, or the possibility of livelihood are not the reasons for the court to ignore the statutory requirement. Equity follows the law and cannot override an express statutory mandate. A writ of mandamus cannot be issued directing an authority to act contrary to the statute or to waive a mandatory requirement.

Accordingly, this Court is passing the following:



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ORDER

- i. Accordingly, the writ petition is ***disposed of*** directing the Respondents to consider the representation given by the petitioner and also the request of the petitioner for transfer of license in accordance with law within a period of two days from the date of receipt of the order.
- ii. Pending I.As., in this petition shall stand closed.

Sd/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 3 Sl No.: 1