



CNR: KAHC010647262026

NC: 2026:KHC:51817
WP No. 29380 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 29380 OF 2026 (APMC)

BETWEEN:

S F MUSTAFA AND CO
GROCERY MERCHANTS,
NO.235, 5TH MAIN ROAD,
A.P.M.C. YARD,
YESHWANTHPUR
BENGALURU - 560 022.
REP. BY ITS PROPRIETOR
MR.SYED SIKANDER HUSSAIN,
S/O. LATE SYED S.F. MUSTAFA,
AGED ABOUT 67 YEARS

...PETITIONER

(BY SRI. B R SATENAHALLI., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF COOPERATION,
6TH FLOOR, M.S. BUILDING,
BENGALURU - 560 001.

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signed by
VANAMALA
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Location:
HIGH
COURT OF
KARNATAKA



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2. THE DIRECTOR OF
AGRICULTURAL MARKETING
NO.16, II, RAJ BHAVAN ROAD,
BENGALURU - 560 001.
3. THE SECRETARY,
AGRICULTURAL PRODUCE
MARKET COMMITTEE,
M.G. COMPLEX, MARKET YARD,
YESHWANTHAPURA,
BENGALURU - 560 022.

...RESPONDENTS

(BY SRI. BOPANNA BELLIAPPA, AGA;

SRI. T. SWAROOP, ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH SUO-MOTO ORDER BEARING KRUMAE/KRUMASA/BEN/NIYAVI, VIBHAGA/2107/2026-27 NO. DATED 09.09.2026 ISSUED BY THE 3RD RESPONDENT, VIDE ANNEXURE-B; WRIT OF MANDAMUS OR ANY OTHER WRIT, DIRECTING THE RESPONDENT NO.3 TO SEEK REPLY FROM THE PETITIONER TO THE IMPUGNED NOTICE DATED 9.9.2026 AND FURTHER HOLD AN ENQUIRY, IN ACCORDANCE WITH LAW.



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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner is a proprietary concern and is a
Trader as contemplated under the provisions of the
Karnataka Agricultural Produce Marketing
(Regulation and Development) Act, 1966 [for short,
'the APMC Act']. The petitioner's grievance is with the
third respondent's Order dated 09.09.2026 [*Annexure*
– *B*]. The third respondent by this impugned Order
has cancelled the petitioner's license in exercise of
powers under Section 73 of the APMC Act observing
that the petitioner, contrary to the provisions of the
Child and Adolescent Labour (Prohibition and
Regulation) Act, 1986 [for short, *'the 1986 Act'*] and
the terms of license, has employed a boy who is 16



years old and that this is ascertained in a proceeding commenced with the participation of the police and the Labour Inspector after a visit by the Hon'ble Chief Minister.

2. Mr. B. R. Satenahalli, the learned counsel for the petitioner, submits

[a] that the prohibition under Section 3A of the 1986 Act [*as amended with effect from 01.09.2016*] is employing an adolescent in any of the hazardous occupations or processes set forth in the Schedule to the 1986 Act,

[b] that the petitioner, as a grocery trader has employed the 16-year-old to assist in packing groceries of small quantities, and

[c] that this would not come under any one of the items mentioned in Schedule of the 1986 Act.



3. Mr. B. R. Satenahalli further submits that the third respondent could not have issued the impugned Order without an opportunity to the petitioner to show cause against cancellation, and the third respondent is under a statutory duty to ensure that such opportunity is extended. The learned counsel further submits that this Court must intervene not only to set aside the impugned Order dated 09.09.2026 but also to direct the third respondent to forthwith break open the seal as the premises is under seal consequent to the order dated 09.09.2026.

4. Mr. Bopanna Belliappa, a learned Additional Government Advocate who accepts notice for the first and second respondents, and Mr. T. Swaroop, the learned Standing counsel who accepts notice for the third respondent, are heard for the disposal of the petition. The violation of the 1986



Act could afford a reason for cancellation, but whether there is indeed a violation must be examined by the third respondent after extending a reasonable opportunity to the petitioner. This flows from the provisions of Section 73(4) of the APMC Act, which is categorical in stating that no licence shall be either suspended or cancelled unless the holder of the licence is given a reasonable opportunity to show cause against such suspension or cancellation.

5. When queried in the light of this requirement and the petitioner's case that even according to the third respondent, the petitioner had only employed an adolescent for the purposes of packing in a grocery unit, Mr. T. Swaroop submits that this Court may consider, instead of quashing the impugned Order, as a Show Cause Notice to the petitioner under Section 73(4) of the APMC Act with a reasonable opportunity to show cause against the



cancellation and enable a decision considering all circumstances.

6. This Court opines that this recourse would redress the petitioner's grievance and enable a complete adjudication provided, the third respondent in exercise of the power under Section 73 of the APMC Act, gives cogent reasons in the light of **[a]** the definition of the expression “*Adolescent*” under the 1986 Act, **[b]** the activities and process listed in the Schedule appended to this Act for Section 3A of the 1986 Act and **[c]** the petitioner's case that the youngster is employed only for packing of groceries in small quantities.

7. The next question is *should the petitioner's premises be under lock until the third respondent decides in the light of the afore observation*. When queried on this question, Mr. T Swaroop submits that if the petitioner files a response within two [2] weeks,



there would be a reasoned order within the next two [2] weeks, and therefore, this Court may not direct opening of the petitioner's premises. Mr. B. R. Satenahalli is heard in the light of the afore, and this Court is not persuaded in the circumstances to opine that the petitioner's premises must be under seal. The petitioner must be permitted to operate the licence and the closure must only be after there is a reasoned conclusion on the cancellation in the light of the allegation. In the light of the afore, the following.

ORDER

[A] The petition is allowed-in-part.

[B] The impugned Order dated 09.09.2026 [Annexure – B] by the Secretary, Agricultural Produce Market Committee [the third respondent] is treated as a Show Cause Notice subject to the following conditions.



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[i] The petitioner will be at liberty to file its response with all documents within two [2] weeks from the date of receipt of a certified copy of this order.

[ii] The third respondent shall consider such response in the light of this Court's observation.

[iii] The petitioner will be at liberty to file a certified copy of this order and seek immediate break open of the seal, and the third respondent shall ensure the same forthwith.

Sd/-
(B M SHYAM PRASAD)
JUDGE

RB
List No.: 2 Sl No.: 12