



CNR: KAHC010706232024

NC: 2026:KHC:54073-DB
WA No. 1804 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT APPEAL NO.1804 OF 2024 (APMC)

BETWEEN:

AGRICULTURAL PRODUCE MARKETING
COMMITTEE YESHWANTHPUR

REPRESENTED BY ITS SECRETARY,
APMC YARD,
YESHWANTHPUR,
BENGALURU - 560 022

...APPELLANT

(BY SRI. NANDA KISHORE, ADVOCATE)

AND:

1. SHRI N MANJUNATH
S/O. NARAYANASWAMY,
AGED ABOUT 67 YEARS,
NO.21, T.D. LANE,
BINNY MILL ROAD,
COTTONPET CROSS,
BENGALURU - 560 053

Digitally
signed by
PAVITHRA N

Location:
High Court
of Karnataka



CNR: KAHC010706232024

**NC: 2026:KHC:54073-DB
WA No. 1804 of 2024**

2. THE DIRECTOR,
DEPARTMENT OF AGRICULTURAL MARKETING,
NO. 16, 2ND RAJ BHAVAN ROAD,
BENGALURU - 560 001

...RESPONDENTS

(BY SMT. VIDYA SELVAMONY, ADV. FOR C/R1;
SMT. SPOORTHY HEGDE, AGA FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT AND ORDER, DATED 26.09.2024, PASSED IN WP No.5143/2024 (APMC) PASSED BY THE LEARNED SINGLE JUDGE OF THIS COURT AND CONSEQUENTLY ALLOW THE WRIT PETITION IN TOTO, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR



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ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This appeal is preferred against the order dated 26.09.2024 passed by the learned Single Judge in WP No.5143/2024 (APMC).

2. Respondent No.1 herein had approached this Court filing the writ petition and seeking directions to the APMC to allot a shop to him. The basis on which the request was made was that he was an allottee to a shop in the Agricultural Produce Market Committee (for short 'APMC') at Yashwanthpur. The initial allotment made was of Shop No.50. However, the said shop was allotted to a Society on account of orders of Court and respondent No.1 was accommodated temporarily in Shop No.70. However, it is the specific case of respondent No.1 that he continued in possession of Shop No.70 and was trading in the said shop on the basis of the license granted to him from time to time.

3. In the year 2000, a fire accident occurred and Shops No.69 and 70 were burned out. Respondent No.1 submitted a representation on 28.02.2000 with pictures of the



NC: 2026:KHC:54073-DB
WA No. 1804 of 2024

CNR: KAHC010706232024

incident, seeking for an investigation and for reconstruction of the shop. The said representation was acknowledged by the appellant. Thereafter, a resolution was also passed by the APMC on 24.02.2021. The translated version of the said resolution reads as follows:-

*	*	* * * * *
Resolution		Shri. N. Manjunath was temporarily allotted Shed No.70 in the APMC Yeshwanthpur Main Market Yard and the said shed burnt down on 22.02.2000. Regarding this, Shri. N. Manjunath made several requests for allotment of alternative shop and we have verified the same. Legal opinion from APMC Advocate Shri. T. Swaroop was obtained and in this, it was informed to us that since the said person was carrying on onion trade, a temporary allotment could be made in the Dasanapura sub-market yard. Once again Shri. N. Manjunath submitted an affidavit on 18.01.2021 to the committee and in the said affidavit he has requested for allotment of another shop in the Yeshwanthpur Main Market Yard where instead of onion and potato, he would trade in rice and other food commodities. In this regard, legal opinion was once again obtained from the APMC



CNR: KAHC010706232024

	Advocate. In this legal opinion, it was opined that if the said person were to trade in onion and potato, then he could be considered for the Dasanapura sub-market yard or if the said person were to trade in rice and other food commodities, instead of onion and potato, then he should be made to swear the same before a notary and obtain an affidavit in that regard. It was also opined that if the same is done, then he may be considered for an allotment of a shop in the Yeshwanthpur Main Market Yard. The opinion given was verified. Also, on 22.02.2021, the said person has sworn that the documents submitted in relation to the allotment of an alternative shop in the market yard for the Shed No.70 which burnt down on 22.02.2000, are all true. In case they are found to be false, he agreed to have legal action taken against him and also have the allotment be cancelled. He has sworn to all of his in an Affidavit before a notary and the same has been verified by us. Additionally, adjacent Shed No.69 had also burnt down and its allottee M/s. B.K.S. Enterprises was allotted Shop No.19/31 in the Coconut Block as an alternative. In the same was, Shri. N. Manjunath can also be allotted an alternative Shop No.28/31 in the Coconut Block of the Main Market Yard. It is
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CNR: KAHC010706232024

		agreed to seek the approval of the competent authority for the same.
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4. However, it is submitted that, thereafter, the decision to allot the shop was subjected to a review and the director of the APMC required respondent No.1 to produce the allotment letter in respect of Shop No.70 by order dated 25.03.2021.

5. The learned counsel appearing for the appellant would contend that though, it was admitted that the writ petitioner was conducting business in the market, there is no material to show that he was allotted Shop No.70 either temporarily or otherwise and that in the absence of such an allotment letter, the request for allotment of an alternate shop could not be granted.

6. The learned Additional Government Advocate also supports the contentions of the appellant and submits that though there was material to show that respondent No.1 has been allotted Shop No.50, there was nothing to suggest that there was an allotment of Shop No.70 which was burned out



CNR: KAHC010706232024

and that the requests made for an alternate allotment could not have been allowed.

7. The learned Single Judge considered the contentions of the parties and came to a conclusion that it was admitted that respondent No.1 was an allottee to Shop No.50 in the first place. It was further found that the resolution dated 24.02.2021 indicates that there was an allotment in favour of respondent No.1 and that the absence of a formal allotment letter does not negate the existence of the recommendation. On these grounds, the writ petition was allowed and the appellant - APMC was directed to allot an alternate shop in terms of the resolution dated 24.02.2021 to the writ petitioner.

8. The learned counsel appearing for the appellant contends that the direction was to allot an alternate shop in similar terms as provided to the holder of Shop No.69. It is submitted that in respect of Shop No.69, allotment letter had been produced by the allottee which was the reason why alternate shop had been allotted to them. However, in respect of Shop No.70, respondent No.1 has not been able to produce any allotment letter.



CNR: KAHC010706232024

9. Having considered the contentions advanced, we notice that material has been placed before the APMC as well as before this Court to show that there was an allotment initially granted to the writ petitioner in respect of Shop No.50. The writ petitioner had also produced material to show that the said allotment had been cancelled because of Court orders and he was permitted to continue the business in alternate sites in the market. Though, it is seen that there is no allotment letter for Shop No.70, the materials produced show that respondent No.1 was carrying on trade of Onion and Potato in Shop No.70 on the basis of the license granted.

10. In the above circumstances, we are of the opinion that the finding of the learned Single Judge that the writ petitioner was entitled to an alternative shop similar to the allottee of Shop No.69 cannot be held to be unwarranted for the facts and circumstances of the instant case. We find no grounds to interfere in an intra-Court appeal under Section 4 of the Karnataka High Court Act, 1961. The writ appeal fails and the same is accordingly ***dismissed***.



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All pending interlocutory applications shall stand *disposed*
of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(K.S.BHARATH KUMAR)
JUDGE**

RAK
List No.: 1 Sl No.: 5