NC: 2025:KHC:1061
WP No. 30789 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 30789 OF 2024 (EXCISE)

BETWEEN:

SRI A S MAHESHA,
S/O LATE M B SONNEGOWDA,
AGED ABOUT 66 YEARS,
MBS RESIDENCY, PROPOSED CL-7 APPLICANT,
KHAT NO.491, SOMANAHALLI VILLAGE,
AKKIHEBBALU HOBLI, K R PET TALUK- 571 605,
MANDYA DISTRICT.
(SENIOR CITIZEN NOT CLAIMED)

…PETITIONER

(BY SRI MOHAN BHAT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   REPRESENTED BY ITS PRINCIPAL SECRETARY,
   DEPARTMENT OF FINANCE AND EXCISE,
   VIDHANA SOUDHA, DR. AMBEDKAR VEEDHI,
   BENGALURU - 560 001.

2. THE COMMISSIONER OF EXCISE IN KARNATAKA,
   NO.27, 2ND FLOOR, TTMC,
   SHANTHINAGAR BUS TERMINAL,
   SHANTHI NAGAR,
   BENGALURU-560 027.

3. THE DEPUTY COMMISSIONER,
   MANDYA DISTRICT,
   MANDYA-571 401.

4. THE DEPUTY COMMISSIONER OF EXCISE,
   MANDYA DISTRICT, ABHAKARI BHAVAN,
   BEHIND OFFICE OF THE DEPUTY COMMISSIONER,

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

MANDYA-571 401.

…RESPONDENTS

(BY SRI B MANJUNATH, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO A) QUASH THE IMPUGNED ORDER DATED 29/10/2024 PASSED BY R3 IN NO. EXE/MDY/IML/195/2024-25 MARKED AT ANN-W AND ETC.

THIS PETITION, COMING ON FOR PRLIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed challenging the order dated 29.10.2024 rejecting the application filed by the petitioner seeking grant of CL-7 license under the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968. In terms of impugned order the 3rd respondent has rejected the application.

2. Learned counsel for the petitioner would submit that application under the Rules have to be considered by the Deputy Commissioner of Excise. However, the said impugned order is passed by the Deputy Commissioner, who is not the Deputy Commissioner of Excise.

3. Learned Additional Government Advocate does not dispute this fact.

4. Under these circumstances the impugned order has to be quashed. However, the application has to be considered by the Deputy Commissioner of Excise in accordance with law.

5. It is made clear that Court has not expressed anything on the merits of the matter.

6. All contentions of the parties are kept open. The Deputy Commissioner of Excise shall consider the same within a period of four weeks from the date of receipt of a certified copy of this order.

With the above observation the writ petition is ***disposed*** of.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

NG
List No.: 1 Sl No.: 73
CT: VN