HC-KAR

NC: 2025:KHC:53187
WP No. 35028 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 15TH DAY OF DECEMBER, 2025**

**BEFORE**

**THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA**

**WRIT PETITION NO.35028 OF 2025 (APMC)**

**BETWEEN:**

SMT. MUBEEN TAJ
W/O. ALTAF PASHA,
AGED ABOUT 26 YEARS.
R/AT 'SUMUKA', LUXURY FLAT NO.002.
NO.69, 1ST FLOOR,
BEHIND MEENAKSHI TEMPLE,
BANNERGHATTA ROAD,
BENGALURU-560 076.

...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.

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

3. THE SECRETARY,
   FRUITS AND VEGETABLES SPECIAL
   AGRICULTURAL PRODUCE MARKET COMMITTEE,
   AGRAHARA TANK BUND ROAD,
   BINNYPET, BENGALURU-560 023.

...RESPONDENTS

(BY SRI HARISHA A.S., AGA FOR R-1 & R-2;
SRI T. SWAROOP, ADVOCATE FOR R-3)

Digitally signed by
MAHALAKSHMI B M
Location: HIGH
COURT OF
KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE EXECUTIVE ORDER BEARING NO.KRUMAE/NIYAVI/OTHERS/89/2025 DATED 24.07.2025 ISSUED BY THE DIRECTOR – 2ND RESPONDENT, VIDE ANNEXURE-B, STOPPING ISSUANCE OF LICENCE TO THE PETITIONER BASIS HER APPLICATION VIDE ANNEXURE-A FOR CARRYING ON THE TRADE, AS GUARANTEED UNDER ARTICLE 19(1)(g) OF THE CONSTITUTION OF INDIA AND ETC.

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

## ORAL ORDER

The petitioner has approached this Court calling in question the endorsement/communication dated 24.07.2025 (Annexure-B), whereby the petitioner's application seeking issuance of a trade licence under the Karnataka Agricultural Produce Marketing (Regulation and Development) Act, 1966 ('Act' for short) was withheld, and seeking a consequential direction to the respondents to consider her application in accordance with law.

## Brief facts:

2. The petitioner submitted an application seeking grant of trade licence to carry a trading activities within

the notified market area under the jurisdiction of the respondent-market committee. The said application was not considered and was withheld. On the basis of the communication dated 24.07.2025, stating that the instructions have been issued to stop issuance of licences. Aggrieved by non-consideration of her application, on the basis of such instructions, the petitioner is before this Court.

3. Learned counsel for the petitioner contends that the impugned communication dated 24.07.2025 is without jurisdiction and contrary to the statutory scheme of the Act and the Rules. It is submitted that Section 72 of the Act read with Rule 76A Of the Karnataka Agriculture Produce Marketing (Regulation and Development) Rules, 1968 (‘Rules’ for short), governs the grant of trade licences and obligates the authorities to consider the application strictly in accordance with law. It is further contended that the executive or Ministerial instructions cannot override, suspend or supplant statutory provisions,

and therefore the impugned action is arbitrary, ultra vires and violative of the constitutional principles governing exercise of statutory power.

4. Learned High Court Government Pleader appearing for respondent Nos.1 and 2 submits that the impugned communication dated 24.07.2025 was issued in the background of administrative instructions, and the action was taken as a part of administrative control and regulatory supervision over market operations.

5. Learned counsel for respondent No.3 submits that the market committee acted only in the compliance of the communication received and did not independently adjudicate upon the petitioner's entitlement for grant of licence. Learned counsel appearing for the respondents fairly submits that the respondents would consider the petitioner’s application in accordance with law.

6. This Court has carefully considered the contentions of the learned counsel for the parties and perused the material on record.

7. The statutory framework under Section 72 of the Act and Section 76A of the Rules occupies field relating to grant of trade licences. The authorities are required to act strictly in accordance with the Act and the Rules. This Court finds that the petitioner's application has been withheld solely on the basis of the instructed purportedly issued by the Minister, without reference to the statutory mandate. Such executive or Ministerial instruction cannot curtail, suspend or override the provisions of the Act and the Rules. Therefore the impugned communication dated 24.07.2025 cannot be sustained and is liable to be quashed.

8. The petitioner's application requires reconsideration strictly in accordance with law and not influenced by any such direction.

9. For the foregoing reasons, the following:

**ORDER**

i. The writ petition is ***allowed***.

ii. The impugned order passed by respondent No.2 dated 24.07.2025 (Annexure-B) is hereby ***quashed***.

iii. The respondents are directed to consider the petitioner's application in accordance with law, without being influenced by any of the directions given.

**Sd/-**

**JUSTICE K.S. HEMALEKHA**

AT
List No.: 1 Sl No.: 46