HC-KAR

NC: 2026:KHC:60462
WP No. 6571 of 2024

CNR: KAHC010119002024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 6571 OF 2024 (GM-PDS)

BETWEEN:

SRI. K.V. KIRAN KUMAR,
S/O VENKATARAMANA T.B.,
AGED ABOUT 27 YEARS,
R/AT KOORIGEPALLI VILLAGE,
RAYALPADU HOBLI,
SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563 134.

...PETITIONER

(BY SRI. ADINARAYAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   DEPT. OF FOOD, CIVIL SUPPLIES
   AND CONSUMER AFFAIRS,
   VIDHANA SOUDHA,
   AMBEDKAR VEEDHI,
   BANGALORE - 560 001.
   REPRESENTED BY ITS SECRETARY.

2. THE DEPUTY COMMISSIONER,
   KOLAR DISTRICT,
   KUMBARAHALLI,
   KOLAR - 563 103.

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Location: HIGH COURT OF KARNATAKA

3. THE DEPUTY DIRECTOR,
DEPT. OF FOOD, CIVIL SUPPLIES
AND CONSUMER AFFAIRS,
KOLAR DISTRICT,
KUMBARAHALLI,
KOLAR - 563 103.

4. THE CHIEF EXECUTIVE OFFICER,
TAPCMS, SRINIVASAPUR,
SRINIVASAPUR TALUK,
KOLAR DISTRICT - 563 135.

…RESPONDENTS

(BY SRI.M.SRINIVAS KUMAR, HCGP FOR R1 TO R3;
R4 - THE CHIEF EXECUTIVE OFFIER, KOLAR: SERVED BUT UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO i) QUASH THE IMPUGNED ENDORSEMENT ISSUED BY THE R3 ON DATED 08/02/2024 VIDE NO.DRA(1)/CR/21/2023-24, WHICH IS PRODUCED AT ANNEXURE-A AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioner is before this Court assailing the endorsement dated 08.02.2024 issued by respondent No.3 as per Annexure-A.

2. The Annexure-A endorsement has been issued in response to the application filed by the petitioner seeking information as to why the petitioner's application for grant of authorization pursuant to the Notification dated 01.08.2023 is not considered. It is informed to the petitioner in the endorsement that the authorization has been granted in favour of TAPCMS, Srinivaspura Taluk, considering the priority in terms of Clause 6(1)(b)(ii) of the Karnataka Essential Commodities Public Distribution System (Control) Order, 2016.

3. The order passed by the respondent-authorities granting authorization to TAPCMS, Srinivasapura Taluk, is not challenged in the present writ petition. However, by way of amendment, the petitioner seeks for a direction to

the respondents to remove the condition of applicability of Clause 6(1)(b)(ii) of the Karnataka Essential Commodities Public Distribution System (Control) order, 2016 at Annexure-B.

4. In the light of the fact that the authorization has already been granted in favour of TAPCMS, Srinivisapura Taluk, the terms of the notification at Annexure-B cannot be now altered and no such direction can be issued to modify the terms of the said notification, which has already been acted upon. Adding to the same, any order granting authorization, if it is affected to a rival applicant is appealable order under Clause 17 of the Karnataka Essential Commodities Public Distribution System (Control) order, 2016, before the Appellate Authority.

5. In that view of the matter, the present Writ Petition challenging Annexure-A endorsement dated 08.02.2024 is not maintainable and the petitioner will

have to avail the alternative remedy of appeal before the Competent Appellate Authority.

In the result, the Writ Petition is rejected. However, it is open for the petitioner to avail the alternative remedy of appeal before the competent Appellate Authority, in the manner known to law.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

PSJ
List No.: 1 Sl No.: 21