HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 12810 OF 2026 (GM-PDS)

BETWEEN:

H.C. ARAVIND SHEKAR
S/O H.S. CHANDRASHEKAR
AGED ABOUT 50 YEARS
R/AT NO.'SANTHOSH NILAYA'
SANTHOSH STORES NEAR HEMAVATHI
HOSPITAL BEHIND ARALEPETE
HASSAN - 573 201.

...PETITIONER

(BY SRI SANGAMESHA B, ADV.)

AND:

1. THE JOINT DIRECTOR
FOOD AND CIVIL SUPPLIES AND
CONSUMER AFFAIRS DEPARTMENT
HASSAN - 573 201.

2. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF MINISTRY OF
FOOD AND CIVIL SUPPLIES
M.S.BUILDING DR. B.R.AMBDEKAR ROAD
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI K.P. YOGANNA, AGA)

Digitally signed by NANDINI M S
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO(A) ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE ENDORSEMENT DATED.06/12/2024 ISSUED BY THE 1 RESPONDENT VIDE ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

1. The petitioner is assailing in the captioned petition, endorsement dated 06.12.2024 issued by respondent No.1 as per Annexure - A, wherein petitioner's application seeking transfer of fair price shop license on the ground that he is a Class I heir of original license holder, is rejected on the premise that the license holder, who is the father of the petitioner, was aged more than 65 years at the time of death.

2. Heard the learned counsel for the petitioner and the learned AGA for the respondents.

3. The short question that falls for consideration before this Court is as to whether the authorities are justified in rejecting the request for transfer of a fair price shop license on compassionate grounds solely on the premise that the deceased license holder had crossed the age of 65 years. This issue, in the considered opinion of this Court, is no longer *res integra*. A Co-ordinate Bench of this Court, in a catena of

decisions, has consistently held that the age of the original license holder cannot be construed as a disqualifying factor while considering transfer of a fair price shop license in favour of a Class-I legal heir on compassionate grounds. The underlying object of such transfer being to provide sustenance to the bereaved family, any interpretation which defeats the very purpose of the scheme would be legally untenable.

4. This Court cannot lose sight of the fact that despite authoritative pronouncements rendered in W.P. No.51361/2019, W.P. No.13559/2020, W.P. No.9249/2023 and W.P. No.22577/2024, the authorities continue to issue endorsements on identical grounds, thereby exhibiting a clear disregard to the binding precedents of this Court. Such actions not only result in unnecessary litigation but also amounts to administrative arbitrariness. The impugned endorsement, therefore, being contrary to the settled position of law and the principles laid down in the aforesaid judgments, is liable to be interfered with by this Court.

5. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The writ petition is hereby ***allowed***.

(ii) The impugned endorsement dated 06.12.2024 issued by respondent No.1, as per Annexure-A, stands quashed.

(iii) Respondent No.1 is directed to reconsider the application submitted by the petitioner seeking transfer of the fair price shop license on compassionate grounds and pass appropriate orders strictly in consonance with the law laid down by this Court in W.P. No.51361/2019, W.P. No.13559/2020, W.P. No.9249/2023 and W.P. No.22577/2024.

(iv) The aforesaid exercise shall be completed within a period of four (4) weeks from the date of receipt of a certified copy of this order.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

DN
List No.: 1 Sl No.: 12