HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 13624 OF 2026 (GM-PDS)

BETWEEN:

1. SRI. DIWAKARA REDDY. A
   AGED 38 YEARS,
   S/O.LATE.ADINARAYANA REDDY D.,
   RAMASWAMYPALLI VILLAGE,
   CHELURU HOBLI AND TALUK,
   CHIKKABALLAPUR DISTRICT
   PIN: 561 207.

…PETITIONER

(BY SRI. T.P VIVEKANANDA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY,
   DEPARTMENT OF FOOD
   AND CIVIL SUPPLIES,
   VIKAS SOUDHA,
   BANGALORE - 560 001.

2. THE JOINT DIRECTOR AND COMPETENT AUTHORITY
   DEPARTMENT OF FOOD
   AND CIVIL SUPPLIES,
   CHICKBALLAPUR DISTRICT,
   CHICKBALLAPUR - 562 108.

3. THE THASILDAR,
   BAGEPALLI TALUK,
   BAGEPALLI - 561 207.

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

CHICKBALLAPUR DISTRICT

…RESPONDENTS

(BY SRI. K P YOGANNA, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR SIMILAR WRIT OR ORDER OR DIRECTION QUASH THE ORDER BEARING NO.F AND CS/DRA/B/ FPSA/69/2016-17 DATED 06.04.2026 PASSED BY THE RESPONDENT NO.2 AT ANNEXURE - F AND ETC.,

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

The captioned writ petition is filed questioning the order bearing No.F & CS/DRA/B/FPSA/69/2016-17 dated 06.04.2026 passed by respondent No.2 as per Annexure-F.

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

3. The petitioner, being the son of the original license holder under the Public Distribution System (PDS), is before this Court calling in question the legality and correctness of the impugned endorsement. By the said

endorsement, respondent No.2 has declined to transfer the PDS authorization in favour of the petitioner, solely on the ground that the deceased original license holder had crossed the age of 65 years. The petitioner contends that such a ground is wholly extraneous and untenable, particularly when the request for transfer is founded on compassionate considerations arising out of the death of the license holder.

4. On a careful consideration of the material placed on record, this Court finds that the issue raised in the present writ petition is no longer *res-integra*. This Court, in a catena of decisions, has consistently held that the age of the original license holder cannot be put against the legal heirs while considering transfer of authorization under the PDS on compassionate grounds. The object of such compassionate transfer is to mitigate the hardship caused to the family on account of the demise of the license holder and to ensure continuity of livelihood. Therefore, importing an age-based disqualification, which

may otherwise be relevant for grant of fresh authorization, into cases of compassionate transfer, would defeat the very purpose underlying the scheme.

5. In the teeth of the settled legal position, the impugned endorsement issued by respondent No.2 reflects a clear non-application of mind and is in direct contravention of the binding precedents of this Court. The authority has failed to appreciate that once the claim is for transfer on compassionate grounds, the criteria applicable for fresh grant cannot be mechanically applied. On this short ground alone, the impugned endorsement is liable to be set-aside.

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

ORDER

(i) The writ petition is allowed;

(ii) The impugned endorsement dated 06.04.2026 issued by respondent No.2, as per Annexure–F, is hereby quashed;

(iii) Respondent No.2 is directed to reconsider the petitioner's claim for transfer of PDS authorization on compassionate grounds and issue necessary authorization in favour of the petitioner, in the light of the observations made by this Court and in terms of the law laid down in W.P.No.5401/2025 and connected matters;

(iv) Such exercise shall be completed within a period of three (3) months from the date of receipt of a certified copy of this order.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

NBM
List No.: 1 Sl No.: 36