HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 22460 OF 2021 (APMC)

C/W

WRIT PETITION NO. 2479 OF 2022 (APMC)

IN WP No. 22460/2021 (APMC)

BETWEEN:

M/S. SRI. SUBRAMANYA STORES,
A PARTNERSHIP FIRM HAVING ITS
OFFICE AT I-10 APMC YARD,
NH 206, VINOBA NAGARA,
SHIVAMOGGA -577204.
REPRESENTED BY ITS AUTHORISED PARTNER,
SRI NANDAR KUMAR B. N.
S/O B. S. NAGARAJA SHETTY.

…PETITIONER

(BY SRI. LEELESH KRISHNA, ADVOCATE)

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

AND:

1. THE SECRETARY,
AGRICULTURE PRODUCE MARKETING COMMITTEE
(APMC), SHIVAMOGGA,
OFFICE AT APMC YARD,
SHIVAMOGGA-577204.

2. AGRICULTURE PRODUCE MARKETING COMMITTEE
(APMC), SHIVAMOGGA,
REPRESENTED BY ITS SECRETARY,
OFFICE AT APMC YARD,
SHIVAMOGGA-577204.

…RESPONDENTS

(BY SRI. T. SWAROOP, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 20.09.2021 (ANNEXURE-A) BEARING NO.KRIUMAASA/SHI/879/2021-22 PASSED BY THE SECRETARY AGRICULTURAL PRODUCE MARKET COMMITTEE SHIMOGA (RESPONDENT-1).

IN WP NO. 2479/2022 (APMC)

BETWEEN:

M/S MANI AND CO.,
A PARTNERSHIP FIRM HAVING ITS
OFFICE AT I-10, APMC YARD,
SAGARA ROAD,
SHIVAMOGGA - 577201.
REP. BY ITS AUTHORISED PARTNER,
B. S. NAGAVENI,
W/O LATE B. S. SHANTHA KUMAR,
AGED ABOUT 72 YEARS.

...PETITIONER

(BY SRI. LEELESH KRISHNA, ADVOCATE)

AND:

1. AGRCULTURAL PRODUCE MARKETING
COMMITTEE (APMC),
REPRESENTED BY ITS SECRETARY,
SAGARA ROAD,
SHIVAMOGGA - 577201.

2. STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF COOPERATION,
M. S. BUILDING,
BANGALORE - 560001.

...RESPONDENTS

(BY SRI. T. SWAROOP, ADVOCATE FOR R1;
SRI. MAJUNATH B., AGA FOR R2)

THIS W.P. IS UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FILED PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 20.09.2021 (ANNEXURE-A) BEARING NO.KRIUMAASA/SHI/879/2021-22 PASSED BY THE RESPONDENT NO.1.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

These writ petitions are directed against the common impugned order dated 20.09.2021 passed by respondent No.1 - the Secretary of Agricultural Produce Market Committee, Shivamogga ('the APMC' for short), whereby godown No.I-10 has been forfeited.

2. The petitioner in W.P.No.22460/2021, namely Sri Subramanya Stores, claims to be a licensee holder under the respondent – APMC and further claims to have been inducted as a lessee in respect of godown No.I-10 by M/s. Mani and Co., the petitioners in W.P. No.2479/2022.

3. The petitioner in W.P.No.2479/2022 M/s. Mani and Co., is the original allottee / owner of godown No.I-10. Both the petitions have called in question the impugned order of forfeiture passed by respondent No.1 – APMC on the ground that the allottee had neither renewed the license from the year 2018 nor carried on the business in the said premises.

4. Heard learned counsel for the petitioners and Sri. T.Swaroop, learned counsel appearing for respondent - APMC.

5. Learned counsel for the petitioners submits that the lessee (petitioner in W.P. No.22460/2021) was in actual possession and carrying on business in the subject godown. The respondent - APMC was fully aware of such possession and business activity and that the impugned order of forfeiture has been passed without issuing any notice to the person in occupation, thereby violating the principles of natural justice.

6. Learned counsel appearing for the respondent - APMC fairly submits that no notice was issued to the petitioner, who was in occupation of the godown prior to passing to the impugned order and that liberty be reserved to the respondent to take appropriate action in accordance with law.

7. The said submission is recorded.

8. It is not in dispute that the license in respect of the subject godown originally stood in the name of the M/s. Mani and Co. Though the respondent – APMC seeks to justify the forfeiture on the ground of non-renewal of the license and non-use of the premises, the material on record clearly indicates that the petitioner in W.P.No.22460/2021 was in occupation and carrying on business in the said godown. Admittedly, no notice has been issued to the petitioner, who was in actual possession of the premises prior to passing of the impugned order of forfeiture. The action of the

respondent - APMC therefore, suffers from fundamental infirmity.

9. It is settled principle that any order affecting civil rights, particularly one resulting in forfeiture of possession or business premises, cannot be sustained unless the affected party is afforded an opportunity of hearing. The absence of notice renders the impugned order violative of principles of natural justice. In view of the above, this Court pass the following:

ORDER

i) The Writ Petitions are ***allowed***.

ii) The impugned order dated 20.09.2021 (Annexure-A) passed by the respondent-APMC is hereby ***set aside***.

iii) Liberty is reserved to the respondent - APMC to initiate appropriate proceedings in

accordance with law, after issuing due notice to all concerned parties.

iv) Till such time, no coercive steps shall be taken against the petitioners under the guise of the impugned order.

Sd/-

JUDGE

JUSTICE K.S. HEMALEKHA

PHM
List No.: 1 Sl No.: 27