HC-KAR
NC: 2026:KHC:61303-DB
WA No. 1941 of 2026
CNR: KAHC010567752026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT APPEAL NO.1941 OF 2026 (GM-PDS)

BETWEEN:

1. STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY TO GOVT.,
DEPARTMENT OF FOOD AND CIVIL SUPPLIES,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.

2. THE JOINT DIRECTOR OF
FOOD AND CIVIL SUPPLIES,
BENGALURU URBAN DISTRICT
BENGALURU - 560 001.

3. THE COMMISSIONER FOR
FOOD AND CIVIL SUPPLIES,
5TH FLOOR, MARKETING FEDERATION
BUILDING, CUNNINGHAM ROAD,
BANGALORE - 560 052.

…APPELLANTS

(BY SRI. K.S. HARISH, GOVERNMENT ADVOCATE)

AND:

DARSHAN
AGED ABOUT 21 YEARS,
CLAIMING TO BE ADOPTED SON OF
LATE SMT. LALITHAMMA AND MUNIAPPA,

Digitally signed by C K LATHA
Location: High Court of Karnataka

RESIDING AT NO.48, 5TH CROSS,
NEAR KALAMMA TEMPLE,
KALASTRI NAGAR,
T. DASASRAHALLI POST,
V.T.C., BANGALORE NORTH,
BANGALORE-560 057.

…RESPONDENT

(BY SRI. KESHAVA CHANDRA S.P., ADVOCATE FOR
SRI. SHIVARAMU H.C., ADVOCATE FOR C/RESPONDENT)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 15.09.2025 PASSED IN WRIT PETITION NO.18563/2025 (GM-PDS) IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. For the reasons stated in the application, I.A 1/2026, the application is allowed and the delay in filing the appeal is condoned.

2. The State has filed the present appeal impugning an order dated 15.09.2025 [**the impugned order**] passed by the learned Single Judge in Writ Petition No.18563/2025 [GM-PDS].

3. The respondent had filed the said petition impugning an endorsement dated 10.06.2025, whereby appellant No.2, the Joint Director of Food and Civil Supplies, Bengaluru Urban District [**Joint Director**] had rejected the respondent's application for transferring the authorization of a fair price shop on the ground that he was the adopted son of the fair price shop owner. The concerned authority, Joint Director, *inter alia* held that, under the Karnataka Essential Commodities Public Distribution System (Control) Order 2016, there is no provision to consider the said application. Additionally, it was also observed that the respondent was adopted after the death of the fair price shop owner. The respondent assailed the endorsement on the ground that adoptive children are also entitled to transfer of the fair price shop authorization on compassionate grounds.

4. The learned Single Judge referred to the decision in Writ Petition No.22431/2024 and other connected matters, whereby the Court had held that the spouse, sons, and adopted sons are entitled to the transfer of authorisation on compassionate grounds. Following the aforesaid decision, the learned Single

Judge disposed of the respondent's petition and directed the Joint Director to transfer the authorization of the subject fair price depot in favour of the respondent within four weeks of the receipt of the certified copy of the order along with the representation of the respondent.

5. The appellants do not dispute that transfer of authorisation of fair price depots on compassionate grounds cannot be denied to adopted children of the authorisation holder. However, in the present case, one of the grounds on which the respondent's request for transfer of authorisation on compassionate grounds had been rejected was that the adoption was after the demise of the adoptive parents.

6. Concededly, there is no question of the respondent being adopted after the demise of his adoptive mother, who was the owner of the fair price shop in question. However, the facts as set out by the respondent are that he was adopted by his adoptive parents (Muniappa and Lalithamma) on 05.05.2011. The respondent states that he was seven years old on the date of his adoption. He claims that his biological parents (Smt.

Lakshmi and Sri. Krishnappa) executed an adoption deed on the said date, that is, 05.05.2011. However, the respondent claims that the said adoption deed was registered with the Sub-Registrar, Rajajinagar (Yeshwanthpur), on 04.12.2024.

7. Smt.Lalithamma (fair price owner) expired on 30.06.2023. Further, the respondent's biological father also expired on 24.04.2023, which was prior to the registration of the adoption deed.

8. The learned Government Advocate submits that there is a serious dispute as to whether the respondent was adopted by Smt Lalithamma and Muniappa. He states that the respondent's SSLC marks sheet also does not reflect the name of his adoptive parents but those of his biological parents. This runs contrary to the respondent's claim that he is the adopted son of Smt Lalithamma and Muniappa. The learned Government Advocate also contests the respondent's claim that the adoption deed registered on 04.12.2024 was the same one allegedly executed on 05.05.2011. He states that the adoptive father (Sri Muniappa) and his biological mother (Smt. Lakshmi) had

subsequently executed the adoption deed. As on the date of registration of the deed, his biological father (Sri Krishnappa) had already expired. He also handed over a copy of the suit instituted by the respondent against the Secretary, Karnataka Secondary Education Examination Board, *inter alia,* seeking correction of the SSLC mark sheets to record the name of his adoptive parents. This Court is informed that the said suit O.S No.8261/2025 is pending.

9. In the meanwhile, the appellants have complied with the impugned order and have transferred the authorization of the fair price depot in favour of the respondent on compassionate grounds in compliance of the impugned order.

10. We note that neither the impugned endorsement nor the impugned order passed by the learned Single Judge examined the question of the validity of the respondent's claim of being adopted by the fair price shop owner. Plainly, the respondent's claim that he is entitled to transfer of authorisation on compassionate grounds rests on his assertion that he is the adopted son of the deceased fair price shop owner. As is

apparent from the above, there is a serious dispute as to the said claim considering that the school records also do not reflect any such adoption.

11. In the aforesaid circumstances, we dispose of the appeal, leaving it open for the concerned authorities to take a view on the respondent's claim of adoption. In the event that the authorities are of the view that the claim for adoption cannot be considered as genuine, they may pass an appropriate order after affording the respondent an opportunity to be heard. We also clarify that the impugned order would not preclude the appellants from taking a view on the matter in issue and it would be open for the appellants to cancel the transfer of authorization if it takes an adverse view on the respondent's claim. All rights and contentions of the parties in this regard are kept open.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

CKL/List No.: 1 Sl No.: 8