NC: 2026:KHC:22379
WP No. 25986 of 2023

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 25986 OF 2023 (GM-PDS)

BETWEEN:

SRI ESHAWA REDDY T.N.,
S/O LATE NAGA REDDY
AGED ABOUT 36 YEARS
R/O NO.46, NEAR BASAVESHWARA TEMPLE
CHIKKAHALLI VILLAGE
BYADAREDDYAHALLI POST
CHALLAKERE TALUK
CHITRADURGA DISTRICT-577 543

…PETITIONER

(BY SRI. RAVINDRA V.S., ADVOCATE)

AND:

1. THE COMMISSIONER
FOOD CIVIL SUPPLIES AND
CONSUMER AFFAIRS
DEPARTMENT OFFICE
NO.8, CUNNINGHAM MAIN ROAD
BENGALURU-560 052

2. THE JOINT DIRECTOR
FOOD AND CIVIL SUPPLIES AND
CONSUMER AFFAIRS DEPARTMENT
CHITRADURGA-577 501

3. THE DEPUTY COMMISSIONER
CHITRADURGA-577 501

4. TASILDAR
CHITRADURGA TALUK OFFICE

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

CHITRADURGA-577 501

5. B.R.AMBEDKAR SWASAHAYA SANGHA
CHIKKAHALLI VILLAGE
CHALLAKER TALUK
CHITRADURGA DIST-577543
REPRESENTED BY ITS SECRETARY
SMT.RAMABAI

…RESPONDENTS

(BY SRI.MAHANTESH SHETTAR, AGA FOR R1 TO R4
SRI.C.P.PUTTARAJA, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE IMPUGNED ORDER DATED 09.08.2023 PASSED BY THE SECOND RESPONDENT VIDE NO. 14/2020-21 AND CONSEQUENTLY QUASH THE ALLOTTING OF THE FAIR PRICE SHOPS IN THE NAME OF THE 5TH RESPONDENT CHIKKAHALLI, CHALLAKERE TALUK FOR DISTRIBUTION OF ESSENTIAL COMMODITIES TO CARD HOLDERS AS PER (ANNEXURE-J) AND CONSIDER THE APPLICATION OF THE PETITIONER (ANNEXURE-B) SUBMITTED BY THE PETITIONER ON 03.05.2021, BY ALLOWING THE WRIT PETITION.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed seeking the following prayer:

> ***"PRAYER***
>
> ***Wherefore the petitioner respectfully prays that this Hon'ble court be pleased to***
>
> ***A) Issue a writ of certiorari by quashing the Impugned order dated: 09.08.2023 passed by the second respondent vide No. 14/2020-21 and consequently quash the allotting of the fair price shops in the name of the 5th Respondent chikkahalli, Challakere taluk for distribution of essential commodities to card holders as per(Annexure-J) and consider the application of the Petitioner (Annexure-B) Submitted by the Petitioner on 03.05.2021, by allowing the Writ Petition.***
>
> ***B) Issue a writ of Mandamus by directing the Second respondent to re- do the process of verification, consideration and passing of the order afresh by doing draw of lots as per Rule 6(1)(b) (iii) of the Karnataka Essential commodities Public Distribution System (Control) order 2016, by cancelling the allotment of fair price shops in the name of the 5th respondent.***
>
> ***C)Issue such other directions of relief by directing the. Respondents in this regard, if deem fit according to facts and circumstances."***

2. It is the grievance of the petitioner that the respondent No.2 has allotted the fair shop to respondent No.5 who is ineligible. The facts of the case are that pursuant to the notification issued by respondent No.2 dated 19.04.2021, the petitioner submitted the application under the handicap category and the petitioner fulfilled all the requirements. It is stated that five applications were submitted to respondent No.2

seeking allotment of the new fair shops as per the notification. It is stated that there are nearly four self-help stree shakthi groups along with the petitioner. But the respondent No.2 had allotted the fair shop to respondent No.5. It is the contention of the petitioner that as per clause 6 1(b) (iii) of the Karnataka Essential Commodities Public Distribution System (Control) order, 2016, the societies which are financially sound (as verified from the audit account of the last 3 years) and has been functioning at least for 3 years prior to the date of consideration of the application shall be eligible to be considered. It is the case of the petitioner that respondent No.5 is registered in the year 2020 and the fair shop is allotted to respondent No.5 in the year 2021 which is contrary to the Control order. It is submitted that the respondent No.2 only with an intention to favour the respondent No.5 has failed to consider the case of the petitioner who is fully eligible out of the persons who have applied for the fair price shop dealership.

3. Learned Additional Government Advocate appearing for respondent Nos.1 to 4, on instructions, submits that the respondent No.5 was registered in the year 2020 and as there

were no other eligible candidates, the fair shop was allotted to the respondent No.5. It is submitted that the petitioner is not fulfilling the conditions i.e., clause 5(c) of the Control Order that the petitioner is not having sufficient funds in the bank account to purchase two months' stocks requirements. As such, his case was not considered.

4. Learned counsel appearing for respondent No.5 does not dispute the fact that respondent No.5 is registered in the year 2020.

5. Having heard the learned counsels on either side, perused the entire material on record. The submissions made on behalf of all the counsels makes it clear that respondent No.5 who is not eligible is allotted with the fair shop for the best reasons known to respondent No.2. Now, the submission that is made is that a period of 3 years completed. The respondent No.2 cannot act in a manner contrary to the Control Order. Though objections are filed, it is not even stated why they have allotted the fair price shop to a person who is ineligible. This aspect shall be looked into by the Commissioner of Food and Civil Supplies and Consumer Affairs Department.

The respondents are not expected to act in such a blatant manner to benefit respondent No.5. Considering the fact that already the authorization that is granted is only for a period of 3 years and it is lapsed, this Court is passing the following order:

ORDER

i. Accordingly, the writ petition is ***disposed of*** and the Commissioner of Food and Civil Supplies and Consumer Affairs Department is directed to look into this aspect and take necessary action on the concerned who has given the authorization in this manner.

ii. The action taken report shall be sent to the Registrar (Judicial) within 8 weeks from the date of receipt of the copy of the order. The Registrar (Judicial) in turn shall place the same before this Court.

iii. Whenever respondent No.2 issues the notification, the petitioner is at liberty to apply.

iv. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG, List No.: 1 Sl No.: 55