



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2025

BEFORE

R

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 29467 OF 2025 (GM-PDS)

BETWEEN:

YELLADAKERE PRATHAMIKA KRUSHI
PATTINA SAHAKARA SANGHA (R),
REP. BY ITS CHIEF EXECUTIVE OFFICER,
D.NINGANNA S/O LATE DODDA KARIYAPPA,
AGED ABOUT 43 YEARS,
YELLADAKERE, HIRIYURU TALUK-577 599,
CHITRADURGA DIST.
UNDER CO-OPERATIVE SOCIETIES ACT.

...PETITIONER

(BY SRI ABHISHEK M B, ADVOCATE)

AND:

1. THE COMMISSIONER,
FOOD, CIVIL SUPPLIES AND CONSUMER
AFFAIRS DEPARTMENT,
MARKETING FEDERATION BUILDING,
CUNNINGHAM ROAD, BENGALURU-560 052.
2. THE DEPUTY COMMISSIONER (FOOD),
CHITRADURGA, CHITRADURGA-577 501.
3. THE JOINT DIRECTOR,
DEPARTMENT OF FOOD,
CIVIL SUPPLIES AND CONSUMER AFFAIRS,
CHITRADURGA-577 501.
4. THE DEPUTY DIRECTOR AND
COMPETENT AUTHORITY,
DEPARTMENT OF FOOD, CIVIL SUPPLIES





AND CONSUMER AFFAIRS,
CHITRADURGA-577 501.

5. THE TAHASHILDAR,
HIRYURU TALUK OFFICE,
HIRIYUR-577 599.

...RESPONDENTS

(BY SMT. K.P YASHODHA, AGA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION BEARING NO. FS D/HO NYA BE AN. C R/305/2024-25 DATED 01.09.2025 ISSUED BY R-3 -JOINT DIRECTOR PRODUCED AT ANNEXURE-D WHICH IS REQUIRES TO BE QUASHED AND SET ASIDE AS IT IS ARBITRARY, ILLEGAL, UNJUST AND UNCONSTITUTIONAL ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned AGA accepts notice for respondents No.1 to 5.

2. The petitioner is before this Court seeking for the following reliefs;

- a. "Issue/pass an order in the nature of certiorari, quashing the impugned notification bearing no. ಎಫ್ ಎಸ್ ಡಿ/ಹೊ.ನ್ಯಾ.ಬಿ.ಅಂ/ಸಿ. ಆರ್/ 305/2024-25 issued by 3rd respondent-joint director, produced at ANNEXURE-'D' which is requires to be quashed and set-aside as it is arbitrary, illegal, unjust &



unconstitutional, in the interest of justice. Equity & good conscience.

b. Issue other suitable writs, order or directions to the respondents as this Hon'ble Court deems fit and proper in the facts and circumstances of this case and interest of justice and equity, good conscience."

3. The petitioner is a Society registered under the Karnataka Co-operative Societies Act, 1959 and has been granted an authorisation to run a Fair Price Shop in Halumadenahalli Village. The said authorisation has been extended from time to time and is currently valid until 08.11.2026.
4. The petitioner is before this Court challenging a notification dated 01.09.2025 which has been issued inviting applications for one another Fair Price Shop in said area.
5. Submission of Sri.Abhishek.M.B., learned counsel for the petitioner is that the authorisation of the petitioner has been extended until 08.11.2026, no fresh authorisation could be issued in the very same area and as such the notification which has been



issued is completely arbitrary and violative of the rights of the petitioner under Article 19(1) (g) of the Constitution and as such is required to be quashed.

6. I am unable to agree with the submission of the learned counsel for the petitioner inasmuch as the authorisation in favour of the petitioner has not been disturbed; there is no cancellation of the said authorisation, which has been resorted to by the respondents. The respondents have issued a notification for the establishment of one more Fair Price Shop, taking into consideration that there are more than 900 cardholders in the said area.
7. Clause-11 of the Karnataka Essential Commodities Public Distribution System (Control) Order, 2016, is reproduced hereunder for easy reference;

Clause-11. Assignment of ration cards: (1)
After sanctioning an authorization to run a fair price depot, the Authorised Authority shall assign to the fair price depot a certain number of ration cards belonging to persons residing near the fair price depot.

(2) The number of ration cards assigned to a fair price depot under sub-clause (1)



shall not be less than 500 for a fair price depot in a rural area and not less than 800 for a fair price depot in an urban area.

Provided that the Authorised Authority may, for reasons to be recorded in writing, relax the limit up to 100 cards for a fair price depot in a rural area if the fair price depot is to serve the needs of an isolated settlement or layout where the number of ration cards is below the limit prescribed viz., special areas like tribal hadis/tandas/gollarahatti etc.

(3) The Authorised Authority may, if he considers it necessary, transfer ration cards from one fair price shop to another:-

(a) on the request of ration cardholders.

(b) as a result of reorganization of the jurisdictional area of the shop with permission of Commissioner as a part of well defined parameters.

(c) if the number of ration cards in a shop, fall below 75% of the number specified under Clause 11(2), thereby making the sop as economically unviable."

8. A perusal of the above would indicate that the number of ration cards assigned to a Fair Price Depot shall not be less than 500 for a fair price Depot in a rural area.
9. In the present case, the fair price Depot is in a rural area and as such, what is required to be seen



whether the guarantee which has been provided thereunder that the number of ration cards will not be reduced to less than 500 so as to make the activity of the authorisation holder viable and economic, been infringed.

10. The interest of the Petitioner and/or the right of the Petitioner is only to retain 500 ration cards along with the authorisation of the Petitioner, which would not entitle the Petitioner to challenge any notification for the establishment of any other Fair Price Shop as regards the remaining ration card holders.
11. The same does not provide for a situation where no other Fair Price Depots can be established in that locality. Therefore, there is no vested right created in favour of the petitioner to be the sole authorisation holder in the area.
12. In that view of the matter, I do not find any infirmity in the notification which has been issued. As such, I pass the following;



ORDER

- i. The writ petition is ***dismissed***.
- ii. Respondents are, however, directed not to reduce the number of ration cards to the Petitioner below the minimum guaranteed number of 500.
- iii. In view of dismissal of the main petition, pending IA's does not survive for consideration. Hence, IA stands disposed of.

**SD/-
(SURAJ GOVINDARAJ)
JUDGE**

SR
List No.: 1 Sl No.: 25