



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO.2914 OF 2026 (EXCISE)

BETWEEN:

MANJUNATHA .R
S/O RAMAKRISHNAIAH,
AGED ABOUT 41 YEARS,
R/O NO.59, THIPPENAHALLI,
NAGASANDRA POST,
BENGALURU-560 073.

...PETITIONER

(BY SRI G.K. BHAT, SENIOR COUNSEL FOR
SMT. SUDHA D., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE EXCISE COMMISSIONER IN KARNATAKA,
2ND FLOOR, TTMC, A BLOCK,
BMTC BUILDING, SHANTINAGAR,
BENGALURU.
3. THE DEPUTY COMMISSIONER,
BENGLAURU URBAN DISTRICT,
KANDAYA BHAVANA,
BENGALURU-560 072.
4. THE DEPUTY COMMISSIONER OF EXCISE,
BENGALURU URBAN DISTRICT,
(BUD-3), BENGLURU-560 072.



5. VISHWANATH N.Y.
S/O VENKATAPPA,
AGED ABOUT 33 YEARS,
R/O NO.37, 10TH CROSS,
TIGALARAPALYA MAIN ROAD,
KARIOBANAHALLI, PEENYA
2ND STAGE, BENGALURU-560 058.

...RESPONDENTS

(BY SRI MANJUNATH B., AGA FOR R-1 TO R-4;
SRI SHIVARAJ N ARAI, ADVOCATE FOR R-5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION, STRIKING DOWN THE LICENSE IN FORM CL-7 AS PER ANNEXURE-A DATED 31.12.2025 BEARING REGISTER NO.BURD3656 ISSUED BY THE RESPONDENT NO.3.

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

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

ORAL ORDER

The petitioner has called in question the legality of the grant of licence in Form CL7 dated 31.12.2025 (Annexure-A) issued by respondent No.3 in favour of respondent No.5 to run a bar and restaurant at premises bearing No.73, Brundavananagara Nagar, Thippenahalli Main Road, Bengaluru.



Brief facts:

2. The case of the petitioner is that respondent No.5 has secured a CL7 licence in respect of the subject premises, which according to the petitioner is an unauthorized construction situated in a residential locality. It is contended that the objections were submitted by the petitioner and other residents to the concerned authorities prior to the grant of licence. It is further stated that subsequent to the grant of licence, the trade licence issued by the Municipal Authority has been cancelled and even electricity and water supply to the premises have been disconnected. A show cause notice has also been issued under Section 30 of the Karnataka Excise Act, 1965 ('Act' for short) calling upon the respondent No.5 to explain why the licence should not be withdrawn. Despite these developments, the excise licence granted under Annexure-A continues to subsist leading to the present writ petition.

3. Sri G.K. Bhat, learned Senior Counsel for the petitioner submits that the grant of licence is arbitrary and



contrary to the Karnataka Excise Act and Rules. The premise is unauthorized and lacks basic civic amenities, hence not eligible for the grant of CL7 licence. It is submitted that the mandatory requirements under the Rules including Rule 3 (7) of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, are not complied with. Respondent No.5 has obtained licence by suppressing material facts and in view of the subsequent developments such as cancellation of trade licence, and disconnection of utilities, the licence cannot be permitted to continue.

4. *Per contra*, learned counsel for respondent No.5 submits that the writ petition is not maintainable in view of an alternative efficacious remedy available under Section 61 of the Act. It is submitted that the petitioner has no *locus standi* and is not an aggrieved person. It is submitted that the licence has been validly granted in accordance with law. Subsequent thereto, the cancellation of the trade licence has been already a subject matter in W.P.No.2071/2026 in which interim orders are operating.



5. This Court has carefully considered the rival submissions and perused the material on record.

6. The challenge in the present writ petition is directed against the grant of CL7 licence dated 31.12.2025 (Annexure-A) in favour of respondent No.5. It is however, not in dispute that the subsequent to the grant of licence, the proceedings have been initiated by the competent authorities culminating in a cancellation of a trade licence and initiation of action under the Act including issuance of a show cause notice. It is also brought on record that the said subsequent proceedings, including the cancellation of licence are subject matter of challenge in W.P.No.2071/2026, whereby interim orders are operating and the matter is presently *sub-judice* before this Court.

7. In that view of the matter, the legality of the licence, as it presently stands, is inextricably linked with the outcome of the proceedings in W.P.No.2071/2026. Once the licence itself has been subjected to cancellation,



and the said cancellation is under challenge in a separate writ petition, any adjudication in the present petition, confined only to the original grant of the licence, would be purely academic and incomplete.

8. This Court is of the considered view that the validity of grant of licence cannot be examined in isolation, divorced from the subsequent developments which have direct bearing on the very subsistence and enforceability of the licence. Entertaining the present challenge independently would result in parallel adjudication and possible conflicting findings, particularly when the issue relating to continuation or otherwise of the licence is already seized in W.P.No.2071/2026.

9. It is also relevant to note that the petitioner herein has already filed an impleading application in W.P.No.2071/2026 and therefore all the contentions including those urged in the present writ petition can be appropriately canvassed in the said proceedings.



10. In view of the above, this Court declines to examine the validity of grant of licence dated 31.12.2025.

11. All the contentions of the parties are kept open to be urged in W.P.No.2071/2026 or in a such proceedings as may be permissible in law.

Accordingly, writ petition stands ***dismissed***.

Sd/-

JUSTICE K.S. HEMALEKHA

AT
List No.: 1 Sl No.: 76