



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 15297 OF 2020 (LB-RES)

BETWEEN:

M.D. MEGHARAJA
S/O. LATE M. DEVENDRAPPA
AGED ABOUT 45 YEARS
OCCUPATION: BUSINESS
R/O. MAIN ROAD, SORABA TOWN,
SORABA- 577 429
SHIVAMOGGA DISTRICT.

...PETITIONER

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

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF URBAN DEVELOPMENT
M.S. BUILDING
BENGALURU - 560001
2. THE DEPUTY COMMISSIONER
SHIVAMOGGA DISTRICT,
SHIVAMOGGA - 577201
3. SORABA TOWN PANCHAYATH
SORABA TOWN- 577 429
SHIVAMOGGA DISTRICT.
REPRESENTED BY ITS CHIEF OFFICER.

...RESPONDENTS

(BY SRI.CHANDINI SINGH S. HCGP FOR R1 AND 2;





SRI. PRUTHVI WODEYAR, ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTICE / COMMUNICATION DATED 13.08.2020 ISSUED BY THE THIRD RESPONDENT PRODUCED AS PER ANNEXURE-P AND TO DECLARE THAT OBTAINING OF LICENSE FROM THE RESPONDENT NO.3 TO CARRY ON BUSINESS IN SALE OF CEMENT BAGS, GROCERY, IRON AND STEEL IS NOT REQUIRED REGARD BEING HAD TO THE PART 1 OF SCHEDULE-XIII OF THE ACT AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Petitioner is before this Court seeking for the following reliefs:

- i). *Issue a writ in the nature of certiorari and quash the impugned notice/communication dated 13.08.2020 issued by the third respondent in No. 15297 of 2020 produced as per Annexure - P;*
- ii). *Issue an appropriate writ or order or direction declaring that obtaining of license from the third respondent to carry on business in sale of cement bags, grocery, iron and steel is not required regard being had to the Part 1 of Schedule-XIII of the Act.*



- iii). In the alternative, if this Hon'ble Court were to hold that the obtaining of license to run business in the sale of cement bags is necessary, a writ in the nature of mandamus may kindly be issued to the third respondent directing the third respondent to renew/issue trade license to the petitioner to run the business in the sale of cement bags in the B schedule property;*
 - iv). Issue any other appropriate writ or order or direction as this Hon'ble Court deems it appropriate in the admitted facts and circumstances of the case to secure the ends of justice;*
 - v). Award the cost of this proceeding."*
- 2. The grievance of the petitioner arises from the allegation that the loading and unloading activities carried on in the petitioner's premises are causing public nuisance. In that regard, respondent No.3 issued a notice at Annexure-P, calling upon the petitioner not to continue such activities. It is also the case of the petitioner that, on account of the said allegation, the respondents have not renewed the trade licence in respect of the petitioner's premises.
- 3. Sri Pruthvi Wodeyar, learned counsel appearing for respondent No.3, on instructions, submits that the issue has arisen primarily because two schools are functioning in close proximity to the premises of the petitioner.



Though the petitioner's property is situated in a commercial area where the nature of business carried on by the petitioner is otherwise permissible, the complaints received from the schools indicated that the loading and unloading operations were causing inconvenience and disturbance to the school children.

4. He further submits that the respondents are willing to renew the trade licence of the petitioner, provided the petitioner undertakes to carry out the loading and unloading activities only during specified time slots, namely between 06:00 a.m. and 08:30 a.m. in the morning, and between 06:00 p.m. and 09:00 p.m. in the evening. The same time period being applicable to the customers of the Petitioners.
5. Sri S. V. Prakash, learned counsel appearing for the petitioner, submits that the petitioner is agreeable to adhere to the aforesaid time restrictions. He submits that the petitioner will ensure that loading and unloading through lorries or other heavy vehicles is carried out only within the above time slots and not at any other time



during the day. Learned counsel further submits that the petitioner shall file an affidavit of undertaking before the respondents within seven days from today, undertaking to strictly comply with the said conditions.

6. In view of the above submissions made by the learned counsel for the parties, and considering that the respondents themselves have expressed their willingness to renew the trade licence subject to compliance with the aforesaid conditions, the following order is passed:

ORDER.

- (i) Writ petition is ***allowed***. Certiorari is issued, the notice/communication dated 13.08.2020 at Annexure - P is quashed.
- (ii) The petitioner shall file an affidavit of undertaking before respondent No.3 within seven days from today, stating that the loading and unloading activities in the petitioner's premises shall be carried out only between 06:00 a.m. and 08:30 a.m. in the morning and between 06:00 p.m. and



09:00 p.m. in the evening, and that no such activities involving lorries or other heavy vehicles shall be undertaken beyond the said time slots.

- (iii) Upon such affidavit of undertaking being filed, respondent No.3 shall consider the same and proceed to renew the trade licence of the petitioner in accordance with law, subject to the petitioner adhering to the conditions mentioned above.
- (iv) It is made clear that in the event the petitioner violates the undertaking given before the respondents, it would be open to the respondents to initiate appropriate action in accordance with law, including suspension or cancellation of the trade licence.
- (v) It is made clear that the present order has been passed having regard to the peculiar facts and circumstances of the case and the undertaking furnished by the petitioner. This order shall not be construed as a precedent for permitting similar activities in other locations, and the competent



authorities shall always be at liberty to regulate or restrict such activities in accordance with law in order to prevent public nuisance or protect the interest of educational institutions and the public at large.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

HJ
List No.: 2 Sl No.: 18