



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 28309 OF 2025 (GM-PDS)

BETWEEN:

1. ARCHANA .B.N
AGED ABOUT 34 YEARS
W/O. RAGHAVENDRA .G.C
R/AT. BELAMARANAHALLI VILLAGE
BELAMARANAHALLI POST
KOLAR DISTRICT, KOLAR - 563 133.

...PETITIONER

(BY SRI. RITHISH D. NAIK, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DEPARTMENT OF FOOD
AND CIVIL SUPPLIES
GROUND FLOOR
VIKAS SOUDHA
BANGALORE 560 001.
2. THE DEPUTY DIRECTOR OF FOOD
AND CIVIL SUPPLIES
KOLAR DISTRICT
KOLAR - 563 101.



3. TAHASILDAR
KOLAR DISTRICT
KOLAR - 563 101.

...RESPONDENTS

(BY SMT. NAVYA SHEKHAR, AGA)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DATED 07.07.2025 ISSUED BY THE SECOND RESPONDENT IN NO. DRA/CR/16/2025-26 AT ANNEXURE-D.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Petitioner in the captioned petition is aggrieved by the rejection of petitioner's application vide impugned endorsement dated 07.07.2025 on the ground that as on the date of death, the original license holder namely Smt. S.M.Pushpa was aged more than 65 years and the second ground is that petitioner is a married daughter and therefore, she is not entitled to seek transfer of the license



of fair shop on compassionate grounds. The said endorsement issued by respondent No.2 is under challenge.

2. Heard learned counsel for the petitioner and learned AGA. Perused the records.

3. The issue as to whether a married daughter is entitled to seek transfer of authorization of a fair price shop on compassionate grounds is no longer res integra. A Coordinate Bench of this Court, in W.P. No.31745/2024, had an occasion to consider an identical question. Upon an elaborate consideration of the governing provisions and constitutional mandate, the Coordinate Bench has categorically held that there cannot be any discrimination between a married daughter and an unmarried daughter in the matter of grant or transfer of authorization. The Court has further observed that denial of such benefit solely on the ground of marital status is arbitrary, discriminatory and violative of the fundamental rights guaranteed under



Articles 14 and 15 of the Constitution of India. The said judgment clearly recognizes that marital status cannot be a ground to deprive an otherwise eligible legal heir from seeking transfer of authorization on compassionate grounds.

4. In the light of the authoritative pronouncement rendered by the Coordinate Bench in an identical set of facts and circumstances, this Court is of the considered view that the sole ground on which the petitioner's claim has been rejected, namely that the petitioner is a married daughter, cannot be sustained. Such a ground, in the considered opinion of this Court, does not constitute a disqualification in the eye of law.

5. Insofar as the objection relating to the age of the original license holder, namely that she has crossed the age of 65 years, is concerned, the same also no longer survives for consideration, in view of a catena of judgments rendered by this Court, wherein it has been



consistently held that such a ground cannot be put against the legal heir seeking transfer on compassionate grounds.

6. Having regard to the consistent judicial view taken by this Court in matters relating to transfer of authorization of fair price shops, and in the absence of any legally sustainable ground to deny the petitioner's claim, this Court is of the considered opinion that the impugned endorsement issued by respondent No.2 cannot be sustained in law. The said endorsement, being contrary to the settled principles laid down by this Court, is liable to be quashed.

ORDER

- (i) The writ petition is hereby ***allowed***.
- (ii) The impugned endorsement dated 07.07.2025 issued by respondent No.2, produced at Annexure-D, is hereby quashed.
- (iii) Respondent No.2 is directed to consider the case of the petitioner for transfer of



authorization of the fair price shop, strictly in the light of the law laid down by this Court in W.P. No.31745/2024 and other connected judgments.

(iv) Respondent No.2 shall issue authorization in favour of the petitioner, if she is otherwise eligible, without insisting upon any permission or imposing any condition which runs contrary to the aforesaid judicial pronouncements.

(v) The aforesaid exercise shall be completed within a period of three (3) months from the date of receipt of a certified copy of this order.

(vi) No order as to costs.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

CA
List No.: 1 Sl No.: 44