



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 200983 OF 2023 (GM-PDS)

BETWEEN:

M/S SHANKARLINGA HAVYASI KALA SANGHA
FAIR PRICE SHOP NO. 74 AND 95,
NIMBAL KD AND NIMBAL RS,
TQ. INDI, DIST. VIJAYAPURA,
THROUGH ITS SECRETARY,
JAYATHEERTHA S/O SIDDAPPA PUTANI,
AGED ABOUT 31 YEARS
R/O NIMBAL, TQ. INDI DIST VIJAYAPURA

...PETITIONER

(BY SMT. RATNA N SHIVAYOGIMATH, ADVOCATE)

Digitally signed by
SWETA KULKARNI
Location: HIGH
COURT OF
KARNATAKA

AND:

1. THE STATE OF KARNATAKA
REP BY ITS SECRETARY,
FOOD AND CIVIL SUPPLIES CONSUMER AFFAIRS
AND LEGAL PETROLOGY SECRETARIAT,
BENGALURU -1
2. THE DEPUTY COMMISSIONER (FOOD),
VIJAYAPURA, DIST. VIJAYAPURA 586101



3. THE DEPUTY DIRECTOR
DEPARTMENT OF FOOD AND CIVIL SUPPLIES
VIJAYAPURA, DIST VIJAYAPURA 586101

...RESPONDENTS

(BY SRI MALLIKARJUN SAHUKAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT OR DIRECTION OR ORDER WRIT IN THE NATURE OF CERTIORARI, QUASHING THE PUBLICATION DATED 1.11.2022 IN NO. KRA.SAM.AHARA/FPS.CR 191/2021-22 AND PUBLICATION DATED 16.11.2022 IN NO. KRA.SAM.AAHARA/FPS.CR 196/2021-22, ISSUED BY RESPONDENT NO 3, VIDE ANNEXURE- G AND H RESPECTIVELY; B) ISSUE A WRIT OR DIRECTION OR ORDER WRIT IN THE NATURE OF MANDAMUS, DIRECTING THE RESPONDENTS TO CONSIDER THE REPRESENTATION DATED 19.1.2023 VIDE ANNEXURE- L.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

This Writ Petition under Articles 226 and 227 of the Constitution of India is filed seeking for the following reliefs:

"a) Issue a writ or direction or order writ in the nature of certiorari, quashing the publication dated 1.11.2022 in NO. KRA.SAM.AHARA/FPS.CR 191/2021-22 and publication dated 16.11.2022 in No.KRA.SAM.AAHARA/FPS.CR 196/2021-22, issued by respondent No.3, vide Annexure-G and H respectively;



b) Issue a writ or direction or order writ in the nature of mandamus, directing the respondents to consider the representation dated 19.1.2023 vide Annexure- L."

2. Heard the learned counsel for the parties.

3. The petitioner – Society has been granted license/authorization on 17.02.1994 for running fair price shop at Shop No.74 and 95 of Nimbal KD and Nimbal RS, Indi taluk, Vijayapura district. According to the petitioner, 1447 card holders are assigned to its fair price shop. Respondent No.3 has now issued impugned notifications at Annexures-F, G and H dated 15.09.2022, 01.11.2022 and 16.11.2022 respectively, calling for applications from eligible societies/institutions for issuing license/authorization to run fair price shop at Nimbal KD and Nimbal RS villages. Aggrieved by the same, the petitioner is before this Court.

4. Learned counsel for the petitioner, placing reliance on Rule 11(2) of the Karnataka Essential Commodities Public Distribution System (Control) Order 2016 [for short, 'the Control Order, 2016'] dated



10.06.2016 submits that a fair price shop needs to be assigned not less than 500 cards in a rural area. If the impugned notifications are acted upon and three new fair price shops are permitted, the card holders of the petitioner will be reduced below 500 which is not permissible.

5. Learned Additional Government Advocate, who has argued in support of the impugned notifications, has produced a report of the present card holders of the petitioner – society. Perusal of the same would go to show that as on this day the total number of card holders in the two fair price shop of the petitioner is 1370. Out of the said 1370 card holders, 170 card holders are now assigned to the newly opened fair price shop pursuant to the order dated 31.01.2023 passed by the Deputy Commissioner. He has also produced the order dated 31.01.2023 issued by respondent No.2 granting permission/licence for opening a new fair price shop at Nimbal KD village, Indi taluk.



6. Therefore, as on this day the total number of cards assigned to the two shops of the petitioner is only 1200. Rule 11(2) of the Control Order 2016 specifically provides for not less than 500 cards shall be assigned for a fair price depot in a rural area. The proviso to sub-rule provides that by a reasoned order the authorized authority can relax the limit upto 100 card holders 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 prescribed limit.

7. Under the circumstances, I am of the opinion that the impugned notifications at Annexures-F, G and H needs to be set aside with a direction to respondent No.3 to secure a fresh report with regard to the number of cards assigned to the two shops of the petitioner and thereafter issue fresh notification taking into consideration Rule 11(2) of the Control Order, 2016. Accordingly, the following:



ORDER

- (i) The Writ Petition is ***partly allowed***.
- (ii) The Notifications at Annexures-F, G and H dated 15.09.2022, 01.11.2022 and 16.11.2022 respectively, issued by respondent No.3 are quashed.
- (iii) Respondent No.3 is at liberty to call for a report regarding the existing cards assigned to the petitioner's fair price shops and thereafter issue a fresh notification in accordance with law.

**Sd/-
(S.VISHWAJITH SHETTY)
JUDGE**