



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT APPEAL NO. * 200323 OF 2025 (EXCISE)

BETWEEN:

RAHUL KUMAR
S/O NAGENDRA BABLADKAR,
AGE : 34 YEARS,
R/O: PLOT. NO.98, SY.NO.74/2,
PRAGATHI COLONY, KALABURAGI,
KALABURAGI DISTRICT – 585 105.

...APPELLANT

(BY SRI. AVINASH A.UPLAONKAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ADDL. CHIEF SECRETARY,
GOVT. OF KARNATAKA,
VIDHANA SOUDHA, AMBEDKAR VEEDHI,
BENGALURU – 560 001.
2. THE COMMISSIONER IN KARNATAKA,
2ND FLOOR, TTMC BUILDING, "A' BLOCK,
BMTC, SHANTHINAGAR, BANGALORE – 530 027.
3. THE DEPUTY COMMISSIONER,
KALABURAGI DISTRICT,
DIST: KALABURAGI – 585 105.
4. THE DEPUTY COMMISSIONER EXCISE,
KALABURAGI DISTRICT,
DIST: KALABURAGI – 585 105.

...RESPONDENTS

(BY SMT. MAYA T.R., HCGP FOR R1 TO R3)





THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER DATED 11/11/2025 IN W.P.NO.201785/2025 PASSED BY THE LEARNED SINGLE JUDGE AND ALLOW THE WRIT APPEAL AND CONSEQUENTLY QUASH THE IMPUGNED ENDORSEMENT DATED 05.06.2025 IN NO.ABAKA/SWAMASA/AVA/03/2023-24/372 PASSED BY THE 4TH RESPONDENT AS PER ANNEXURE-H AND DIRECT THE RESPONDENT NO.4 TO RECONSIDER THE REPRESENTATION OF THE APPELLANT AS PER ANNEXURE-D DATED 03.03.2025 AND THEREBY RENEWED THE LICENSE BEARING REGISTERED NO.EXE.IML.GLB/ALD/CL-2/7/1990-1991 DATED 28.07.1990 AS PER ANNEXURE-A, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

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

WHEREFORE, the appellant prays this Hon'ble Court may be pleased to call for records and set aside the order dated 11/11/2025 in W.P.No.[201785/2025](#) passed by the learned single judge and allow the writ appeal and consequently quash the impugned Endorsement dated 05.06.2025 in No.ABAKA/SWAMASA/AVA/[03/2023-24/372](#) passed by the 4th respondent as per Annexure-H and direct the respondent No.4 to reconsider the representation of the appellant as per Annexure-D dated 03.03.2025 and thereby renewed the License bearing Registered No.EXE.IML.GLB/ALD/CL-2/7/1990-1991 dated 28-07-1990 as per Annexure-A, in the interest of justice and equity.



2. Appellant had filed the writ petition in W.P No.201785/2025, seeking for the following reliefs:

Wherefore, it is prayed that this Hon'ble Court may be pleased to:-

a) Issue a Writ of Certiorari or any other appropriate writ or order, quashing the impugned Endorsement dt.05.06.2025 in No. ABAKA/SWAMASA/AVA/[03/2023-24/372](#) passed by the 4th Respondent as per Annexure -H.

b) Issue a Writ of mandamus or any other appropriate writ or order, directing the Respondent No.4 to reconsider the Representation of the Petitioner as per Annexure -D dt.03.03.2025 and thereby renewed the License bearing Registered No.EXE.IML.GLB/ALD/CL-2/7/1990-1991 dt.28.07.1990 as per Annexure A by incorporating the name of the Petitioner.

c) Issue any other Order or direction deemed fit to be passed under the circumstances of the case in the interest of justice and equity.

3. The said writ petition came to be dismissed by the learned Single Judge vide order dated 11.11.2025, on the ground that the petitioner/appellant has not produced any documents evidencing that there was a licence and appellant had been working the licence. Challenging the same, the appellant is before this Court.
4. The appellant, today, has filed a memo along with copy of the Licence issued to the father of the appellant, the treasury challan as regard deposit of



Licence fee before the treasury, as also an enquiry report dated 30.04.2016.

5. The submission of Sri Avinash Uplaonkar, learned counsel for the appellant, by relying on the enquiry report dated 30.04.2016, is that, on the spot enquiry being conducted, the report has ascertained and certified that the father of the appellant had been carrying on the concerned business for more than 10 years. He submits that these documents could not be placed on record before the learned Single Judge. Insofar as non-production of the original of the license, his submission is that the original has been lost and as regard to that, a police complaint has also been lodged and as such, the appellants are not in a position to place the original of the license on record.
6. Though the learned High Court Government Pleader submits that production of the original licence is a prerequisite for consideration of an application for renewal, we are of the considered opinion that, in many cases, the original is not available with the citizen to be placed on record. As such, alternative modes would have to be resorted to for the purpose of consideration of the application, and an application



ought not to be rejected only on the ground that the license is not available. In the present case, the spot enquiry having been held and the enquiry report categorically indicates that the father of the appellant was carrying on the business for more than a decade in the said location. Hence, it is required for the respondents to consider the renewal by considering the enquiry report, as also the photocopy of the license which has been placed on record by the appellant. Needless to say, these documents could always be verified from the registers and the documents maintained, to ascertain the veracity and validity and thereafter, the request made by the appellant to be considered. In view of the additional documents which have been placed on record, it is required to set aside the order dated 11.11.2025 in WP No.201785/2025. Hence, we pass the following:

ORDER

- i) Writ appeal is ***allowed***.
- ii) The order dated 11.11.2025 passed by the learned Single Judge in W.P No.201785/2025 is set aside.



- iii) The endorsement dated 05.06.2025 at Annexure-H, rejecting the application for renewal filed by the appellant, for non-production of the original of the license, is quashed.
- iv) A mandamus is issued, directing the respondent No.4 to reconsider the recommendation of the appellant, in terms of the enquiry report dated 30.04.2016, by considering the photocopy of the license produced by the appellant within a period of four weeks from the date of receipt of a certified copy of this order.

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

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**