IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 20TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 104827 OF 2023 (GM-PDS)

BETWEEN:

H. GANGAPPA S/O. HANUMANTAPPA
AGE. 56 YEARS, OCC. AGRICULTURE,
R/O. HANAMSAGAR-3 VILLAGE,
TALUKA-HAGRIBOMMANAHALLI,
BALLARI-583281

...PETITIONER

(BY SRI. SRINIVAS B NAIK, ADVOCATE)

AND:

1. THE COMMISSIONER AND DIRECTOR
OF FOOD AND CIVIL SUPPLIES,
INFANTRY ROAD, BENGALURU-560001

2. THE JOINT DIRECTOR,
FOOD AND CIVIL SUPPLIES,
BALLARI-583101.

3. THE DEPUTY DIRECTOR
FOOD AND CIVIL SUPPLIES, BALLARI
DISTRICT BALLARI-583101

...RESPONDENTS

YASHAVANT NARAYANKAR
Digitally signed by YASHAVANT NARAYANKAR

THIS WRIT PETITION IS FILED under ARTICLE 226 AND 227 OF THE CONSTITUION OF INDIA PRAYING TO I) ISSUE WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION AND QUASH THE IMPUGNED ORDER BEARING NO. ANASA-6/NYABEAUM/ POLICE PRAKARANA/31/2019-20 DATED 18/8/2021 PASSED BY

2ND RESPONDENT VIDE ANNEXURE-F, IN THE ENDS OF JUSTICE AND EQUITY; II) ISSUE WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION, AND QUASH THE IMPUGNED ORDER BEARING NO. DATED 28/8/2019 PASSED BY 3RD RESPONDENT VIDE ANNEXURE-D, IN THE ENDS OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

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

   i) issue writ of certiorari or any other order or direction and quash the impugned order bearing No.ಆನಾಸ–6/ ನ್ಯಾಬೆಅಂ/ ಪೋಲಿಸ್ ಪ್ರಕರಣ/ 31/2019-20 dated 18/8/2021 passed by 2nd respondent vide annexure-f, in the ends of justice and equity;

   ii) issue writ of certiorari or any other order or direction, and quash the impugned order bearing no. dated 28/8/2019 passed by 3rd respondent vide annexure-d, in the ends of justice and equity.

2. The petitioner is aggrieved by the cancellation of PDS licence issued to the petitioner. The petitioner has an alternative efficacious remedy in terms of appeal before the jurisdictional Deputy Commissioner in view of the notification bearing No.FCS 17 RPR 2011, Bengaluru, Dated 05.06.2017.

3. Reserving such liberty, the petition stands disposed of. The petitioner shall be entitled for the benefit of Section 14 of the Limitation Act.

4. In view of disposal of the petition, pending interlocutory applications, if any, do not survive for consideration and are disposed of accordingly.

Sd/-
JUDGE

YAN, List No.: 1 Sl No.: 44