

Ravikumar vs State of Karnataka

Ravikumar vs State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1749878

Court : Karnataka Orders

Decided On : Jul-30-2025

Judge : B M Shyam Prasad

Appeal No. : WP/22418/2025

Appellant : Ravikumar

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2025 BEFORE THE HON'BLE MR. JUSTICE B M SHYAM PRASAD WRIT PETITION NO. 22418 OF 2025 (GM-PDS) BETWEEN: RAVIKUMAR S/O LATE K.RAMEGOWDA, AGED ABOUT 43 YEARS, AANNE KANNAMBADI VILLAGE, DEVARAGUDDENAHALLI, HALLIMYSURU HOBLI, HOLENARASIPURA TALUK, HASSAN DISTRICT-573210. PETITIONER (BY SRI. PRAKASHA H.C.,ADVOCATE) AND: Digitally 1. STATE OF KARNATAKA signed by

VANAMALA

REPRESENTED BY CHIEF SECRETARY, N

2. JOINT DIRECTOR OF FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS, -2- HASSAN DISTRICT, HASSAN -573 201.

3. TAHSILDAR, HOLENARASIPURA TALUK, HASSAN DISTRICT-573 201. RESPONDENTS (BY SMT.K.P. YASHODHA., AGA) THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-CALLING FOR THE RECORDS AND PROCEEDINGS OF THE CASE, THIS COURT MAY BE PLEASED TO (A) DECLARE THE PROVISO TO CLAUSE 13 OF THE KARNATAKA

ESSENTIAL COMMODITIES (PUBLIC DISTRIBUTION SYSTEM CONTROL) ORDER-2016 IN SO FAR AS IT RELATES TO PRESCRIBING THE AGE OF THE DEATH OF THE AUTHORISED HOLDER TO BE BELOW 65 YEARS, TO GET THE AUTHORISATION TRANSFERRED ON COMPASSIONATE GROUND, AS ILLEGAL AND VIOLATIVE OF FUNDAMENTAL RIGHTS GUARANTEED UNDER CHAPTER III OF THE CONSTITUTION OF INDIA;

(B) ISSUE WRIT OF CERTIORARI OR ANY OTHER

APPROPRIATE WRIT QUASHING IMPUGNED ORDER

BEARING NO.G/AAHA/HO.TA/SC.R/29/2024-25 DATED 30-06-2025 ISSUED BY 2ND RESPONDENT PRODUCED AS PER ANNEXURE-C BY DECLARING THE SAME IS WITHOUT THE AUTHORITY OF LAW AND (C) WRIT OF MANDAMUS DIRECTING RESPONDENTS TO TRANSFER THE AUTHORISATION RELATING TO FAIR PRICE DEPOT -3- NO.11 AT AANNE KANNAMBADI VILLAGE, HALLIMYSURU HOBLI, HOLENARASIPURA TALUK, HASSAN DISTRICT TO THE NAME OF THE PETITIONER ON COMPASSIONATE GROUND AND THEREBY PERMIT THE PETITIONER TO CONTINUE THE DISTRIBUTION OF COMMODITIES TO THE CARD HOLDERS. THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner is aggrieved because his application for transfer of authorization under the Karnataka Essential Commodities [Public Distribution System] Control Order, 2016 [for short, 'Control Order'] is not considered. The petitioner has called in question the Constitutional validity but has also placed on record a copy of the Co-ordinate Bench's Order dated 14.07.2025 in the writ petition in W.P. No.20647/2025. -4- Sri Prakasha H C, the learned counsel for the petitioner, and Smt K P Yashodha, a learned Additional Government Advocate, who is called upon to accept notice for the respondents, are heard for disposal of the petition, with the learned counsel for the petitioner submitting that the petitioner does not press the prayer for declaration against the Control

Order.

It remains indisputable that this Court has been taking a consistent view that the stipulation on age and minimum qualification cannot be insisted when an application made for transfer of authorization on compassionate grounds which is issued prior to the amendment. In fact, this Court, in similar circumstances as in the present case, has directed the authorities to consider the application without insisting on the educational qualification or the age stipulation. In the light of the afore, the following: -5-

ORDER

[a] The petition is disposed of. [b] The second respondent is directed to communicate the decision on the petitioner's request for transfer of authorization within four [4] weeks from the date of receipt of a certified copy of this order. [c] The petitioner is reserved with liberty to file a certified copy within two [2] weeks from the date of receipt thereof. SD/- (B M SHYAM PRASAD) JUDGE AN/-

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com