



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2025

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BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
WRIT PETITION NO. 31337 OF 2025 (GM-PDS)

BETWEEN:

LAKSHMAMMA,
W/O LATE NARAYANAPPA,
AGED ABOUT 78 YEARS,
R/AT KADE PETE, KYATHSANDRA,
TUMKUR - 572 104.

...PETITIONER

(BY SRI. LAKSHMIKANTH K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
ITS PRINCIPAL SECRETARY,
DEPARTMENT OF FOOD AND CIVIL SUPPLIES,
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE JOINT DIRECTOR (FOOD),
FOOD AND CIVIL SUPPLIES AND
CONSUMER AFFAIRS DEPARTMENT,
NO.205, 2ND FLOOR,
MINI VIDHANA SOUDHA,
TUMKUR - 572 101.

...RESPONDENTS

(BY SRI. SIDARTH BABURAO, AGA)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT BY QUASHING THE ENDORSEMENT DATED 20.03.2025 VIDE NO. FSD/FPD/PRA/CR108/2001-02 ISSUED BY RESPONDENT NO.2 AT **ANNEXURE - C**; B) ISSUE WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT DIRECTING THE RESPONDENT NO.2 TO CONSIDER THE REPRESENTATION GIVEN BY THE PETITIONER DATED 19.02.2025 AT **ANNEXURE- B** AND C) TO PASS SUCH OTHER NECESSARY ORDER AS THIS HON'BLE COURT DEEMS FIT IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Petitioner is before this court seeking for the following reliefs:

"a) Issue a Writ of Certiorari or any other writ by quashing the endorsement dated 20.03.2025 vide No.FSD/FPD/PRA/CR108/2001-02 issued by Respondent No.2 at **ANNEXURE - C**.

b) Issue writ of mandamus or any other appropriate writ directing the respondent No.2 to consider the representation given by the petitioner dated 19.02.2025 at **ANNEXURE- B**.

c) To pass such other necessary order as this Hon'ble court deems fit in the interest of justice."



2. Essentially petitioner seeks for transfer of the authorization to run a fair price shop. Rule 13 of the Karnataka Essential Commodities (Public Distribution System) Control Order, 1992 reads as under:

"13. Prohibition of Transfer of Authorization:

No authorized dealer shall assign or transfer his authorization to any other person by and no person shall carry on business as a transferee or otherwise on behalf of any such authorized dealer.

"Provided that the authorized authority may order for such transfer in the event of the death of the authorized dealer to the spouse or son or unmarried daughter with the prior approval of the Government".

3. The said Rule 13 also came to be amended on 16.01.2021 by introducing the following Proviso:

"Provided that the authorized authority may order for such transfer in the event of the death of the authorized dealer before 65 years of age, to the spouse or son or unmarried daughter in case he or she is above 18 years of age and less than 30 years (40 years in case of unmarried daughter and 65 years in case of spouse) having passed SSLC, both as on the date of the death of the authorized dealer. The application for such transfer should be made within 90 days of the death of the authorized dealer. Such transfer shall be made only after obtaining prior approval of Commissioner, Food, Civil Supplies and Consumer Affairs Department and only for a maximum period of 3 years i.e., the period of validity of a fresh authorization. No further renewal is allowed for such transfers."



4. A perusal of Rule 13 and the Proviso would indicate that no authorized dealer shall assign or transfer his authorization to any other person and no person shall carry on business as a transferee or otherwise on behalf of such authorized dealer. There being a specific prohibition in terms of Rule 13, the request made by the petitioner cannot be accepted.
5. There being no vested right in the petitioner for a transfer, a mandamus cannot also be issued.
6. Hence, the petition stands ***dismissed***.

SD/-
(SURAJ GOVINDARAJ)
JUDGE