

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 01<sup>ST</sup> DAY OF DECEMBER, 2022**

**PRESENT**

**THE HON'BLE MR.PRASANNA B.VARALE, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR.JUSTICE ASHOK S.KINAGI**

**WRIT APPEAL NO. 761 OF 2022 (GM-EC)**

**BETWEEN:**

V.M. SANJEEVAIAH,  
DEAD BY LRS

1. SMT JAYAMMA,  
AGED ABOUT 74 YEARS,  
W/O LATE V.M. SANJEEVAIAH,
2. BALAKRISHNA,  
AGED ABOUT 42 YEARS,  
S/O LATE V.M. SANJEEVAIAH,
3. SMT. GEETHAMMA,  
AGED ABOUT 53 YEARS,  
W/O SANJEEVAIAH,  
D/O SANJEEVAIAH,

ALL ARE RESIDING AT NO. 127,  
VAJARAHALLI, RAMANAGAR,  
BIDADI - 562 109.

4. SMT. SHASHIKALA,  
AGED ABOUT 55 YEARS,  
W/O. SIDDAPPA,  
D/O. SANJEEVAIAH,  
RESIDING AT NO. 363 /309,  
10<sup>TH</sup> CROSS, BHUVANESHWARI NAGAR,

BANGALORE SOUTH,  
BANGALORE - 560 024.

5. SMT. JAYALAKSHMAMMA,  
AGED ABOUT 38 YEARS,  
W/O RAJANNA R,  
D/O SANJEEVAIAH,  
RESIDING AT NO. 74,  
NEAR ATILAKKAMMA TEMPLE,  
CHANNADEVI AGRAHARA,  
KANASAVADI, BANGALORE RURAL,  
DODDABALLAPUR - 561 203.

... APPELLANTS

(BY SRI SHIVARAMU H.C., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER (FOOD),  
RAMANAGARAM DISTRICT,  
RAMANAGARAM - 562 159.
2. THE DEPUTY DIRECTOR (FOOD),  
RAMANAGARAM DISTRICT,  
RAMANAGARAM - 562 159.
3. THE COMMISSIONER FOR  
FOOD AND CIVIL SUPPLIES,  
MARKETING FEDERATION BUILDING,  
CUNNINGHAM ROAD,  
BANGALORE - 560 052.
4. THE HON'BLE MINISTER FOR  
FOOD AND CIVIL SUPPLIES,  
GOVERNMENT OF KARNATAKA,  
VIKAS SOUDHA,  
BANGALORE - 560 001.

... RESPONDENTS

(BY SRI RAJASHEKAR, AGA)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE DATED 16/06/2022 PASSED IN WP NO.32019/2016 AND ALLOW WP NO.32019/2016 GRANTING THE PRAYER SOUGHT FOR IN THE WRIT PETITION AND ETC.

THIS APPEAL COMING ON FOR ADMISSION THIS DAY, **CHIEF JUSTICE** DELIVERED THE FOLLOWING:

### **JUDGMENT**

Heard the learned counsel for the appellants at length.

2. The present appeal is preferred by the appellants-petitioners against the order dated 16.06.2022 passed in W.P.No.32019/2016 by the learned Single Judge.

3. It is case of the appellants that the original petitioner one Sanjeevaiah was granted authorization for distribution of the food grains under Public Distribution System (PDS) and more than 435 ration cards were attached to the original petitioner. As such, he was duty bound to supply the food grains and other articles to the card holders as per the quantity prescribed under the scheme. The petitioner was running the fair price shop for more than 13 years without there being any single complaint against him.

4. On 22.07.2008, the Deputy Commissioner (Food), Ramanagara issued the show cause notice to the petitioner alleging that the petitioner was distributing the food grains at the higher rates than the prescribed rates, certain card holders, who are the beneficiaries under the Government Scheme, are not receiving the food grains, after distributing the essential commodities, the bills were not issued to the card holders and when the fair shop was visited, the shop was closed.

5. Initially, the original petitioner denied the allegations and submitted his reply. As the Deputy Commissioner found that the reply was not satisfactory, he himself conducted the enquiry and at the time of enquiry, the original petitioner admitted the allegations made against him namely, non-supplying of the food articles. Therefore, the Deputy Commissioner cancelled the licence granted in favour of the original petitioner. Being aggrieved by the order passed by the Deputy Commissioner, the original petitioner preferred an appeal before the Appellate Authority and the Appellate Authority finding no merit, dismissed the appeal. Being aggrieved by the order of the Appellate Authority, the original

petitioner preferred a Revision before the Revisional Authority. The Revisional Authority also could not find any error in the orders passed by the Deputy Commissioner as well as the Appellate Authority and ultimately, dismissed the Revision. Being aggrieved by these orders, the petitioners approached this Court in W.P.No.32019/2016.

6. The learned Single Judge has referred to the sequence of events, the orders passed by the Authorities, the submissions of the learned counsel for the petitioners and the counter submissions of the learned Additional Government Advocate.

7. Before the learned Single Judge, the petitioners urged two points. Firstly, nature of the allegations levelled against him are not of very serious in nature and secondly, the Appellate Authority failed to follow the procedure calling upon the records to decide the appeal and without calling the records, the Appellate Authority decided the appeal. It was also the submission of the learned counsel for the petitioners that when the original petitioner was before the Appellate Authority and requesting for stay, the Appellate Authority not

only refused the prayer for interim relief but, proceeded to hear the appeal and dismissed the appeal.

8. The learned Additional Government Advocate was justified in making his submissions before the learned Single Judge and the learned Single Judge found merit in his submissions.

9. The learned Single Judge observed that the Deputy Commissioner conducted an enquiry and in the enquiry, the petitioner himself admitted his guilt and in the backdrop of this particular fact, the Appellate Authority was not required to call for records to see the merits of the appeal. Further, the learned Single Judge recorded the observations in paragraphs 10 and 11 that the Revisional Authority has not only considered the submissions advanced by the learned counsel for the parties but, also applied its mind to the entire records and then passed the order. Thus, the learned Single Judge has rightly dealt with the submissions urged by the learned counsel for the parties.

10. Insofar as first ground urged before the learned Single Judge that the nature of the allegation was not serious

and the counter submission on behalf of the learned Additional Government Advocate was that the allegations are very serious in nature is concerned, the aim and object of the public distribution scheme is to see that the beneficiaries, who are either below poverty line or economically weaker section members, receives the food grains and other articles such as Kerosene at a fixed price and such members are attached to the fair price shop. Non-supply of food grains and other articles such as Kerosene is a very serious mischief because it deprives the card holders from the basic amenities. Therefore, we are unable to find any error in the order passed by the learned Single Judge.

11. The learned counsel for the appellants now raised a prayer before this Court that the Committee was constituted by the State Government to consider the grievances of the card holders and the card holders could have approached the said committee.

12. Admittedly, this ground is now urged before this Court but, the same has not been urged before the learned Single Judge. Hence, there is no reason for us to entertain

this ground as the same is not a part of the appeal nor part of the grounds in the petition filed before the learned Single Judge.

13. Considering all these facts, we are of the opinion that the appeal is devoid of merit and deserves to be dismissed. The same is accordingly dismissed.

14. In view of dismissal of the appeal, no order is required to be passed on the interlocutory application and the application is accordingly disposed of.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**