



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JANUARY, 2024

PRESENT

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

AND

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT APPEAL NO. 1359 OF 2023 (GM-PDS)

BETWEEN:

K L SHIVANNA,

...APPELLANT

(BY SRI. GANGADHARAPPA A V.,ADVOCATE)

AND:

1. DEPUTY COMMISSIONER,
TUMKURU DISTRICT,
TUMKURU 572 101.
2. THE JOINT DIRECTOR OF FOOD,
CIVIL SUPPLIES AND CONSUMER AFFAIRS,
OFFICE OF THE DEPUTY COMMISSIONER
TUMKURU DISTRICT,
TUMKURU 572 101.
3. THE TAHASILDAR,
GUBBI TALUK,
TUMKURU DISTRICT 572 216.

...RESPONDENTS

(BY SMT.NILOUFER AKBAR., AGA FOR R1 TO R3)





THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THIS APPEAL, SET ASIDE THE ORDER DATED 13/9/2023 PASSED IN WP No. 13841/2022 AND BE PLEASED TO ALLOW THE WRIT PETITION AS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY.

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

JUDGMENT

1. This Appeal seeks to call in question a learned Single Judge's order dated 13.09.2023, whereby Appellant's W.P.No.13841/2022 (GM-PDS) having been dismissed the relief sought therein has been denied to him.

2. Having heard the learned counsel for the parties and having perused the Appeal papers, we decline indulgence in the matter broadly agreeing with the reasoning of the learned Single Judge. Learned Additional Government Advocate had produced the original Records for our perusal, which show that the Appellant Fair Price Depot owner was found guilty of malpractice in distributing the food grains and therefore he was levied with penalty of Rs.2,000/- coupled with a warning vide order dated



19.12.2001 which he had remitted. Subsequently he was also penalized similarly vide order dated 08.01.2002. By his application dated 29.09.2003, he had undertaken to make the payment.

3. Added, the Jurisdictional Tahsildar having received representation from the PDS beneficiaries viz., the cardholders had made an enquiry and as many as 39 persons have given a statement on 22.10.2019 about the grave lapses committed by the Appellant while distributing the food grains. He is stated to have charged Rs.10/- from each of the cardholders for obtaining the bio. There are other grave charges as well.

4. The vehement submission of learned counsel for the Appellant that the previous lapses were not notified to his client and therefore the same cannot be made use of detrimental to his interest, is bit difficult to countenance. What is being examined is the implementation of PDS Control Policy of the State Government, and not some private largesse granted to a citizen. The business that is



run by PDS Depots is more in the nature of public service and not profit orientation. Unscrupulous PDS Depot Holders need to be weeded out so that the public interest which the policy intends is duly served, especially when the PDS cardholders belong to lower economic strata of the society.

In the circumstances, this Appeal being devoid of merits is liable to be and accordingly dismissed, costs having been made easy.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

Snb,
List No.: 1 Sl No.: 19