

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 17th day of January, 2000

BEFORE

THE HON'BLE MR JUSTICE R V RAVEENDRAN

Writ Petition Nos 29592-612, 29658-83,
32576-81, 34141 & 34281-85, 37144-151,
37290-357, 39035-81, 40952,
41453-69, 41470-514, 42253-58, 42278,
42784-86, 42778-80 and 44193 of 1999

Between:

WP Nos 29592-29612 OF 1999

BETWEEN

- 1 KARABASAPPA
S/O BASAVANTRAYA,
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 2 SIDDAROODHA
S/O GURUPADAPPA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 3 ESHWARA
S/O KALINGAPPA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 4 DEVENDRAPPA
S/O KALINGAPPA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 5 AMBARAYA
S/O SIDRAMAPPA,
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT

- 6 SHANKRAPPA
S/O PARAMANNA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 7 GAPPANNA
S/O THIPPANNA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 8 PACHAIAH SHANMUKH
MAJOR BY AGE
RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 9 BABURAO
S/O SANGRAMAPPA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 10 PARAMESHWARA
S/O SHIVALINGAPPA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 11 KASHIRAYA
S/O SIDRAMAPPA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 12 RAVINDRA
S/O AMBARAYA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 13 MYLARI
S/O BHIMSHYA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 14 GUNDAPPA
S/O MEENAPPA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT

- 15 BASAYYA
S/O MAHARUDRAYYA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 16 MOHD.RAFI
S/O MOHD.IBRAHIM
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 17 MURAQ PATEL
S/O RAHIMAN PATEL
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 18 RAJASHEKHARAYYA
S/O BASALINGAYYA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 19 SIDRAMAPPA
S/O NINGAPPA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 20 MUTTAPPA
S/O BHIMAPPA
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
- 21 ALLABHAKSH
S/O HASINASABI
MAJOR BY AGE, RESIDING AT
JEEVARGI, GULBARGA DISTRICT
... PETITIONER(S)

(By SRI A Y N GUPTA, ADVOCATE)

AND :

- 1 STATE OF KARNATAKA
BY ITS SECRETARY,
DEPARTMENT OF FOOD AND CIVIL SUPPLIES
M.S.BUILDING, DR.AMBEDKAR VEEDHI
BANGALORE 560 001

2 THE COMMISSIONER OF FOOD AND CIVIL
SERVICES, CUNNINGHAM ROAD,
BANGALORE

3 THE DEPUTY COMMISSIONER
GULBARGA, AT GULBARGA

4 THASILDAR
JEEVARGI,
GULBARGA DISTRICT

... RESPONDENT(S)

(By SMT SHOBHA PATIL, GP)

WRIT PETITION ARE FILED PRAYING TO QUASH THE
GOVT. ORDER DT. 31.5.99 VIDE ANNEX.E.

WP NoS 29658-29683 OF 1999

BETWEEN

1 SHIVAJI GANAPATRAO SHINDE
AGE:43 YRS
R/O VEERAPUR ROAD
HUBLI (LICENCE NO.287/87)

2 G.R.PRAKASH
AGE:25 YRS
R/O SREE NAGAR
KARWAR ROAD
PLOT NO.4, OLD HUBLI
(LICENCE NO.47/87)

3 HASSANKHAN AMIRKHAN DHARWAD
AGE:35 YRS
R/ KULKARNI HAKKAL
HUBLI (LICENCE NO.293/87)

4 S.K.GHARIE
AGE:45 YRS
R/O MTS COLONY
OLD HUBLI
(LICENCE NO.284/87)

- 5 R.G.BEPARI
AGE:40 YRS
R/O GANESHPET HUBLI
(LICENCE NO.200/87)
- 6 TIPPAWVA
W/O HANUMANTAPPA DODAMANI
AGE:55 YRS
R/O GANGADHAR NAGAR
HUBLI (LICENCE NO.110/87)
- 7 YAMANAWVA PARASAPPA DATTAWAD
AGE:50 YRS
R/ GANGDAGHAR NAGAR
HUBLI (LICENCE NO.104/87)
- 8 JANAKAPPA GUNDAPPA MADIWALAR
AGE:35 YRS
R/O BATHERI COLONY
GOPANAKOPPA
HUBLI (LICENCE NO.093/87)
- 9 SHANKAR CHANNAPPA KATTIMANI
AGE:38 YRS
R/O GANGAHAR NAGAR
HUBLI (LICENCE NO.73/87)
- 10 APPANNA YALLAPPA DODDAMANI
AGE:40 YRS
R/O GANGADHAR NAGAR
HUBLI (LICENCE NO.292)
- 11 CHANNAPPA HIRAMAPPA KATTIMANI
AGE:42 YRS
R/O GANGADHANAGAR
HUBLI (LICENCE NO.285/87)
- 12 TIPPANNA D.SOLANKI
AGE:35 YRS
R/O GANGADHANAGAR
HUBLI (LICENCE NO.57/87)
- 13 DEVENDHAR LAXMAPPA PUJAR
AGE:38 YRS
R/O GANGADHANAGAR
HUBLI (LICENCE O.87/87)

- 14 S.P.NILANJAN MUTT
AGE:48 YRS
R/O OLD HUBLI
(LICENCE NO.102/87)
- 15 NAZEER MOHAMMED SAB BHOLABHAI
AGE:52 YRS, R/O SAMEERPET HUBLI
(LICENCE NO.178/87)
- 16 RAFIQ AHMED B BHALABHAI
AGE:35 YRS
R/O SAMEERPET, HUBLI
(LICENCE NO.77/87)
- 17 MUNIRA BEGUM KHALEKHAN
AGE:38 YRS
R/O SAMEERPET, HUBLI
(LICENCE NO.201/87)
- 18 KUPPAMMA O BIRADAR
AGE:50 YRS
R/O ARALLIKATTI ONI
HUBLI (LICENCE NO.241/87)
- 19 SANGAPPA K.BIRADAR
AGE:45 YRS
R/O ARALIKATTI ONI
HUBLI (LICENCE NO.239/87)
- 20 GANGADHAR M.NEKAR
AGE:35 YRS
R/O YELLAPUR ONI
HUBLI (LICENCE NO.96/87)
- 21 G.S.SRINIVAS
AGE:36 YRS
R/O NEKAR NAGAR, HUBLI
(LICENCE NO.67/87)
- 22 MUDAKAPPA R.MANNUR
R/O 35 YRS
R/O GANGADHANAGAR
HUBLI (LICENCE NO.148/87)

- 23 CHANDRKANT G.BAGALKOTE
AGE:45 YRS
R/O BHUSPET, HUBLI
(LICENCE NO.187/87)
- 24 SHANKARAYYA S.HIREMATH
AGE:48 YRS
R/O VEERAPUR ONI
HUBLI, (LICENCE NO.130/87)
- 25 BASWANTAPPA T.MADIWALAR
AGE:35 YRS
R/O PATIL CHAWL, KESHWAPUR
HUBLI (LICENCE NO.92/87)
- 26 SHASHACHALA SHETTY
GARALPET, AGE:40 YRS
R/O NEKAR NAGAR, HUBLI
LICENCE NO.68/87

..PETITIONER(S)

(By S R SHINDE, ADVOCATE)

AND :

- 1 THE STATE OF KARNATAKA
BY ITS SECRETARY
FOOD & CIVIL SUPPLIES DEPARTMENT
VIDHANA SOUDHA
BANGALORE-1
- 2 THE DIVISIONAL COMMISSIONER
DHARWAD, FOOD & CIVIL SUPPLIES
DEPARTMENT
DHARWAD

... RESPONDENT(S)

(By Smt SHOBHA PATIL, GP)

WRIT PETITION IS FILED PRAYING TO QUASH THE
ORDER ISSUED BY R1 STATE GOVT. VIDE ANNEX.A. DT.
31.5.99 AND NOTICE VIDE ANNEX.B. ISSUED BY R1 AND
R2 BEARING NO.FCS(CAS)ECM.80/98-99 DT. 19.6.99
VIDE ANNEX.B.

WP Nos 32576-32581 OF 1999

BETWEEN

- 1 KRISHNA RAMARAO KAMAT
AGE:63 YEARS,
R/O GOODSHED ROAD,
HUBLI, LIC.NO.120/87
- 2 MURREGAPPA GOWDA ISHWARGOUD PATIL
AGE:38 YEARS,
R/O MARUTHINAGAR BIDNAL,
HUBLI, LIC.NO.316/88
- 3 SAROJINI K KORWAR,
AGE:45 YEARS,
R/O SETTLEMENT GANGADHAR NAGAR,
HUBLI, LIC.NO.138/87
- 4 ISMAIL SAB M DHORAHALLI
AGE:40 YEARS, R/O VIVEKANANDA
COLONY, BHAVANI NAGAR, HUBLI,
LIC.NO.208/87
- 5 B S KUGAR
AGE:50 YEARS,
R/O TALWAR ONI,
KESHVAPUR HUBLI,
LIC.NO.238/87
- 6 M A SYED
AGE:38 YEARS,
R/O GANESHPET,
HUBLI, LIC.NO.29/87
... PETITIONER(S)

(By Sri S R SHINDE, ADVOCATE)

AND :

- 1 STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF FOOD AND CIVIL SUPPLY

MULTISTORIED BUILDING,
VIDHANA SOUDHA,
BANGALORE-1

- 2 THE DIRECTORATE OF FOOD
AND CIVIL SUPPLIES,
CUNNINGHAM ROAD,
BANGALORE
 - 3 THE DEPUTY COMMISSIONER, DHARWAD
FOOD AND CIVIL SUPPLIES
DEPARTMENT, DHARWAD
- ... RESPONDENT(S)

(BY SMT SHOBHA PATIL, GP)

WRIT PETITIONS ARE FILED PRAYING TO QUASH VIDE
ANX. D DT. 31.5.99 BY R1 AND ANX. E DT.
19.6.99/27.7.99 ISSUED BY R2 AND 3.

WP Nos 34141 & 34281-34285 OF 1999

BETWEEN

- 1 BANGALORE CITY KEROSENE
RETAIL SELLERS FEDERATION
BANGALORE NAGARA SEEMEYENNE CHILLARE
MARATAGARARA VAKKOTA
36/1, 4 MAIN, A D BLOCK, SRIRAMPURAM
BANGALORE 21
BY ITS PRESIDENT RANGAIAH G
- 2 PUTTASETTY
S/O MASANA SETTY
55 YRS, 142, 6 CROSS, 4 MAIN
L N PURAM, MARKET, SRIRAMPURAM
BANGALORE 21
- 3 A A RAJA
S/O ANNAMALAI
60 YRS, 28, ARASANAGAR,
MAGADI ROAD, CROSS,
BANGALORE

- 4 M MURUGESH
S/O MUNISWAMY
50 YRS, 25, ARASANAGAR
MAGADI ROAD, CROSS,
BANGALORE
- 5 KALLANDAR
S/O ABDUL GANI
59 YRS, 928,2 CROSS
MALLESHWARAM
BANGALORE
- 6 PUTTAIAH
S/O SIDDEGOWDA
60 YRS, 3515, 6 CROSS
GAYATHRI NAGAR
BANGALORE 21

... PETITIONERS

(By Sri H NEELAKANTA RAO)

AND :

- 1 STATE OF KARNATAKA
DEPARTMENT OF FOOD AND CIVIL SUPPLIES
MS BUILDING, ANNEXE DR AMBEDKAR VEEDHI
BANGALORE 1
- 2 COMMISSONER
DEPARTMENT OF FOOD AND CIVIL SUPPLIES
PUBLIC DISTRIBUTION SYSTEM EDHI
8, CUNNINGHAM ROAD
BANGALORE 52
- 3 ASSISTANT DIRECTOR SOUTH
FOOD AND CIVIL SUPPLIES DEPARTMENT
BANGALORE
- 4 ASSISTANT DIRECTOR WET
FOOD AND CIVIL SUPPLIES
DEPARTMENT, BANGALORE

... RESPONDENT(S)

(By SMT SHOBHA PATIL, GP)

WRIT PETITIONS ARE FILED PRAYING TO QUASH THE CIRCULAR NOTICES VIDE ANN-A DT. 21.7.99 AND ANN-B DT. 9.7.99 AS THEY IMPOSED UNREASONABLE RESTRICTIONS AND LIABLE TO BE QUASHED.

In WP Nos 37144-37151/1999

BETWEEN

- 1 MADARSAB
S/O GOUSAB GUMANALA
AGE 30 YEARS, OCC BUSINESS
HKL.NO.306,
R/O MAHADEVANAGAR,
NEAR DARGA, HUBLI
- 2 CHAMANSAB
S/O GOUSAB GUMANALA,
AGE:35 YEARS,
OCC BUSINESS,
LIC.HKL.NO.56/87
R/O MAHADEVANAGARA, NEAR DARGA
HUBLI
- 3 ARUNA B DATTAWAD
AGE 32 YEARS, OCC:BUSINESS
HKL.NO.246/89
R/O GANGADHARANAGARA, HUBLI
- 4 RAMESH BASAPPA MARDAR
AGE:30 YEARS, HKL NO.176,
GANGADHARANAGARA SETTLEMENT
HUBLI
- 5 HAZRATHALI C SURELESHWAR
AGE MAJOR, OCC BUSINESS
HKL NO.36, R/O BARKOTRA
KESHWAPURA, HUBLI
- 6 NOORAHMED GOUSASAB SALENAHALLI
AGE 32 YEARS, OCC BUSINESS,
HKL-59/87
R/O NOOLIVICHALWA
HUBLI

- 7 GANGADHAR MAHADEVAPPA MUDHOL
AGE 35 YEARS, OCC BUSINESS,
HKL 244, R/O KAMARIPETE
HUBLI
- 8 NANJUNDAIAH CHIDANANDAIAH HIREMATH
AGE 38 YEARS, OCC BUSINESS,
HKL.NO.299/87,
R/O UNAKAL CROSS, KERI ONI
HUBLI

..PETITIONER(S)

(By SRI S R SHINDE, ADVOCATE)

AND :

- 1 STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF FOOD
AND CIVIL SUPPLIES
MULTISTORIED BUILDING,
VIDHANA SOUDHA
BANGALORE 560 001
 - 2 THE DIRECTORATE OF FOOD
AND CIVIL SUPPLIES
CUNNINGHAM ROAD,
BANGALORE
 - 3 THE DEPUTY COMMISSIONER
HUBLI, FOOD AND CIVIL SUPPLIES
DEPARTMENT, HUBLI
- ... RESPONDENT(S)

(By SMT SHOBHA PATIL, GP)

WRIT PETITIONS ARE FILED PRAYING TO QUASH THE
IMPUGNED ORDER BY R1 STATE GOVERNMENT VIDE ANN-D
ORDER DT. 31.5.99 AND NOTICE VIDE ANN-E BY R-2 AND
3 DT. 19.6.99/27.7.99.

IN WP Nos 37290-37357 OF 1999

BETWEEN

- 1 MALLIKARJUN NAGAPPA SUNAGAR
S/O NAGAPPA SUNAGAR,
AGED ABOUT 33 YEARS,
RESIDENT OF AKG COLONY
RANEENNUR, HAVERI DISTRICT
- 2 D K HANUMANTHAPPA
AGED ABOUT 38 YEARS
RESIDENT OF MRUTHYUNJAYANAGAR
RANEENNUR, HAVERI DISTRICT
- 3 SOMAPPA GALEPPA KURUVATTI
S/O GALEPPA KURUVATTI,
AGED ABOUT 36 YEARS
RESIDENT OF AKG COLONY
BEHIND COURT, HOSANAGAR
RANEENNUR, HAVERI DISTRICT
- 4 CHANDRASHEKHARAPPA F MALODE
AGED ABOUT 34 YEARS
SUNAGAR ONI,
RANEENNUR, HAVERI DISTRICT
- 5 DEVENDRAPPA SHIVAPPA AMBLI
S/O SHIVAPPA AMBLI
AGED ABOUT 40 YEARS
RESIDENT OF KUDURIYAVARA ONI
RANEENNUR, HAVERI DISTRICT
- 6 GUTTEPPA SHIVAPPA AMBLI
S/O SHIVAPPA AMBLI,
AGED ABOUT 40 YEARS
RESIDENT OF KUDURIYAVARA ONI
RANEENNUR, HAVERI DISTRICT
- 7 JAMALASAB MOHAMMADSAB MULLA
S/O MOHAMMEDSAB MULLA
AGED ABOUT 52 YEARS
RESIDENT OF MUDALAMATH
P B ROAD, RANEENNUR
HAVERI DISTRICT

- 8 SYEDNOOR HASAN ABDUL HAJEEMSAB HALAGERI
S/O ABDUL HAJEEMSAB HALAGERI
AGED ABOUT 40 YEARS
RESIDENT OF ISLAMPUR ONI
RANEBENNUR, HAVERI DISTRICT
- 9 HANUMANTHAPPA ANJANAPPA KOTTUR
S/O ANJANAPPA KOTTUR
AGED ABOUT 35 YEARS
RESIDENT OF AKG COLONY
RANEBENNUR, HAVERI DISTRICT
- 10 SHABEER ABDUL AJEEMSAB KATENAHALLI
S/O AJEEMSAB KATENAHALLI
AGED ABOUT 38 YEARS
RESIDENT OF ISLAMPUR ONI
RANEBENNUR, HAVERI DISTRICT
- 11 ABDUL AJEEMSAB ABDUL
SATTARSAB KATENAHALLI
S/O SATTARSAB KATENAHALLI
AGED ABOUT 60 YEARS
RESIDENT OF ISLAMPUR ONI
RANEBENNUR, HAVERI DISTRICT
- 12 BHUVANESHWAR HANUMANTHAPPA HALLI
S/O HANUMANTHAPPA HALLI
AGED ABOUT 45 YEARS,
RESIDENT OF CHALLAMARADA GALLI
RANEBENNUR, HAVERI DISTRICT
- 13 SATYANARAYANA HANUMANTAPPA SHETTAR
(S.H.SHETTAR)
S/O HANUMANTAPPA SHETTAR
AGED ABOUT 40 YEARS,
RESIDENT OF WEST PLOT,
SIDDESHWARANAGAR, RANEBENNUR
HAVERI DISTRICT
- 14 TIMMAPPA HANUMANTAPPA SHETTAR
(T H SHETTAR)
S/O HANUMANTAPPA SHETTAR
AGED ABOUT 52 YEARS
RESIDENT OF WEST PLOT,
SIDDESHWARANAGAR,
RANEBENNUR, HAVERI DISTRICT

- 15 SHIVANANDAYYA FAKKIRAYYA CHOWDIMATH
S/O FAKKIRAYYA CHOWDIMATH
AGED ABOUT 30 YEARS
RESIDENT OF GOWLIGALLI
RANEBENNUR, HAVERI DISTRICT
- 16 CHANDRAYYA FAKKIRAYYA CHOWDIMATH
S/O FAKKIRAYYA CHOWDIMATH
AGED ABOUT 50 YEARS
RESIDENT OF GOWLIGALLI
RANEBENNUR,
HAVERI DISTRICT
- 17 SYED BASHA SYED HUSSAIN KATENAHALLI
S/O SYED HUSSAIN KATENAHALLI
AGED ABOUT 48 YEARS
RESIDENT OF JUMMA MASJID ROAD
RANEBENNUR, HAVERI DISTRICT
- 18 IBRAHIMSAB A KAVALUR
S/O A KAVALUR
AGED ABOUT 40 YEARS
RESIDENT OF GAVARADAVARA ONI
RANEBENNUR, HAVERI DISTRICT
- 19 KHADERSAB HUSSAINSAB HEDIYALA
S/O HUSSAINSAB HEDIYALA
AGED ABOUT 50 YEARS
RESIDENT OF JUMMA MASJID ROAD
RANEBENNUR, HAVERI DISTRICT
- 20 SHIVANANDAPPA BANGARAPPA TILAVALLI
S/O BANGARAPPA TILAVALLI
AGED ABOUT 40 YEARS
RESIDENT OF GANDHI GALLI
RANEBENNUR,
HAVERI DISTRICT
- 21 MAHADEVAPPA CHANNABASAPPA BARKI
S/O CHANABASAPPA BARKI
AGED ABOUT 38 YEARS
RESIDENT OF MRUTHYUNJAYANAGAR
RANEBENNUR
HAVERI DISTRICT

- 22 R F NARASAGONDAR
S/O F NARASAGONDAR
AGED ABOUT 45 YEARS
RESIDENT OF KAMBAR ONI
RANEBENNUR
HAVERI DISTRICT
- 23 B F NARASAGONDAR
S/O F NARASAGONDAR
AGED ABOUT 40 YEARS
RESIDENT OF GANDHI GALLI
RANEBENNUR, HAVERI DISTRICT
- 24 GUDDAPPA BASAPPA HALLELLI
S/O BASAPPA HALLELLI
AGED ABOUT 40 YEARS
RESIDENT OF MAJJIGIYAVARA ONI
RANEBENNUR, HAVERI DISTRICT
- 25 M S ARADHYAMATH
S/O S ARADHYAMATH
AGE MAJOR,
RESIDENT OF DODDAPETE
RANEBENNUR,
HAVERI DISTRICT
- 26 R S ARADHYAMATH
S/O S ARADHYAMATH
AGE MAJOR, RESIDENT OF
NEHRU MARKET, RANEBENNUR
HAVERI DISTRICT
- 27 CHANABASAPPA M GADDADAGOOLI
S/O M GADDADAGOOLI
AGED ABOUT 40 YEARS
RESIDENT OF KURUBAGERI
RANEBENNUR,
HAVERI DISTRICT
- 28 SHIVAPPA CHANABASAPPA SUNAGAR
S/O CHANABASAPPA SUNAGAR
AGED ABOUT 32 YEARS
RESIDENT OF MRUTHYUNJAYANAGAR
RANEBENNUR, HAVERI DISTRICT

- 29 SHIDDAPPA BHARAMAPPA PUJAR
S/O BHARAMAPPA PUJAR
AGED ABOUT 42 YEARS
RESIDENT OF BEERADEVARA ONI
RANEENNUR, HAVERI DISTRICT
- 30 HANUMANTAPPA NINGAPPA IRANI
S/O NINGAPPA IRANI
AGED ABOUT 38 YEARS
RESIDENT OF KAKOLADAVAR ONI
RANEENNUR, HAVERI DISTRICT
- 31 CHAMANSAB SANNADSAB YELIGAR
S/O SANNADASAB YALIGAR
AGED ABOUT 40 YEARS
RESIDENT OF RANEENNUR
HAVERI DISTRICT
- 32 GANESHAPPA SHIVAPPA HARIHAR
S/O SHIVAPPA HARIHAR
AGED ABOUT 40 YEARS
RESIDENT OF MARAWADIYAVAR ONI
RANEENNUR, HAVERI DISTRICT
- 33 RUDRAPPA HANUMANTAPPA HOTTAGI
S/O HANUMANTAPPA HOTTAGI
AGED ABOUT 30 YEARS
RESIDENT OF CHALLAMARADEVARA ONI
RANEENNUR, HAVERI DISTRICT
- 34 CHANDAPPA SANKAPPA KOPPAD
S/O SANKAPPA KOPPAD
AGED ABOUT 30 YEARS
RESIDENT OF MYALARADAVARA ONI
RANEENNUR, HAVERI DISTRICT
- 35 M M BALLARY
S/O M BALLARY
AGED ABOUT 60 YEARS
RESIDENT OF DODDAPETE
RANEENNUR,
HAVERI DISTRICT
- 36 CHANDRASHEKHARAPPA
MEENAPPA BISALAHALLI
S/O MEENAPPA BISALAHALLI

AGED ABOUT 35 YEARS
RESIDENT OF KURUBARAGERI
RANEENNUR, HAVERI DISTRICT

- 37 M M HALLI
S/O M HALLI
AGED ABOUT 60 YEARS
RESIDENT OF KURUBARAGERI
RANEENNUR,
HAVERI DISTRICT
- 38 AJEEMSAB GHOUSUSAB TINMAKER
S/O GHOUSUSAB
AGED ABOUT 38 YEARS
RESIDENT OF BEHIND I.B.,
RANEENNUR, HAVERI DISTRICT
- 39 SHANKREPPA
CHANAMALLAPPA KENCHAPPANAVAR
S/O CHANAMALLAPPA KENCHAPPANAVAR
AGED ABOUT 50 YEARS
RESIDENT OF KUMBAR ONI
RANEENNUR, HAVERI DISTRICT
- 40 PARASAPPA HANUMANTAPPA HULLATTI
S/O HANUMANTAPPA HULLATTI
AGED ABOUT 32 YEARS
RESIDENT OF KURUBAGERI
BEHIND GENERAL HOSPITAL
RANEENNUR, HAVERI DISTRICT
- 41 BASAVANTEPPA GALEPPA KURUVATTI
S/O GALEPPA KURUVATTI
AGED ABOUT 37 YEARS
RESIDENT OF AKG COLONY
RANEENNUR, HAVERI DISTRICT
- 42 C N PATIL
S/O N PATIL
AGED ABOUT 48 YEARS
RESIDENT OF KALMATHADAVARA ONI
RANEENNUR, HAVERI DISTRICT

- 43 RAMANAGOUDA NAGANAGOUDA PATIL
S/O NAGANAGOUDA PATIL
AGED ABOUT 29 YEARS
RESIDENT OF KALMATHADAVARA ONI
RANEENNUR, HAVERI DISTRICT
- 44 DANAYYA VEERAYYA KUNCHURMATH
S/O VEERAYYA KUNCHURMATH
AGED ABOUT 38 YEARS
RESIDENT OF VASTRADEVAR ONI
RANEENNUR,
HAVERI DISTRICT
- 45 NISSAR AHMED CHAMANSAB LOHAR
S/O CHAMANSAB LOHAR
AGED ABOUT 38 YEARS
RESIDENT OF UPPAR ONI
RANEENNUR,
HAVERI DISTRICT
- 46 K G NEELAGUNDA
S/O G NEELAGUNDA
AGED ABOUT 40 YEARS
RESIDENT OF SALAGERI ONI
RANEENNUR, HAVERI DISTRICT
- 47 KARIBASAPPA SIDDAPPA SALAGERI
S/O SIDDAPPA SALAGERI
AGED ABOUT 42 YEARS
RESIDENT OF SALAGERIYAVARA ONI
RANEENNUR,
HAVERI DISTRICT
- 48 SHIVAPPA HANUMANTAPPA HULLATTI
S/O HANUMANTAPPA HULLATTI
AGED ABOUT 45 YEARS
RESIDENT OF BEERADEVARAGUDI ONI
RANEENNUR, HAVERI DISTRICT
- 49 MALLAPPA CHIKKAPPA HARIHAR
S/O CHIKKAPPA HARIHAR
AGED ABOUT 60 YEARS
RESIDENT OF VASTRADAVARA ONI
RANEENNUR, HAVERI DISTRICT

- 50 MALLESHAPPA HANUMANTAPPA NAVALE
S/O HANUMANTAPPA NAVALE
AGED ABOUT 30 YEARS
RESIDENT OF GOWLIGALLI
RANEBENNUR, HAVERI
DISTRICT
- 51 BASAVARAJ VEERAPPA MUNDASAD
S/O VEERAPPA MUNDASAD
AGED ABOUT 38 YEARS
RESIDENT OF DODDAPETE ROAD
RANEBENNUR, HAVERI DISTRICT
- 52 I A KHATIBA
S/O A KHATIBA
AGED ABOUT 50 YEARS
RESIDENT OF HOUSING BOARD
RANEBENNUR, HAVERI DISTRICT
- 53 MALLANAGOUDA BASANAGOUDA PATIL
S/O BASANAGOUDA PATIL
AGED ABOUT 40 YEARS
RESIDENT OF RODDANAVARA ONI
RANEBENNUR, HAVERI DISTRICT
- 54 GANGADHARAYYA
PANCHAKSHARAYYA CHAPPARADALLIMATH
S/O PANCHAKSHARAYYA CHAPPARADALLIMATH
AGED ABOUT 38 YEARS
RESIDENT OF KURUBAGERI
RANEBENNUR, HAVERI DISTRICT
- 55 R F SAGAR
S/O F SAGAR
AGED MAJOR,
RESIDENT OF HUGGIYAVARA ONI
RANEBENNUR, HAVERI DISTRICT
- 56 MANJAPPA NINGAPPA KUDURI
S/O NINGAPPA KUDURI
AGED ABOUT 35 YEARS
RESIDENT OF KURUBAGERI
RANEBENNUR, HAVERI DISTRICT

- 57 MANJUNATH RAMANNA PATIL
S/O RAMANNA PATIL
AGED ABOUT 38 YEARS
RESIDENT OF SIDDESHWARANAGAR
RANEENNUR, HAVERI DISTRICT
- 58 V F SAGAR
S/O F SAGAR
AGED ABOUT 40 YEARS
RESIDENT OF HUGGIYAVARA ONI
RANEENNUR, HAVERI DISTRICT
- 59 AJJAPPA HANUMANTAPPA HULLATTI
S/O HANUMANTAPPA HULLATTI
AGED ABOUT 42 YEARS
RESIDENT OF BEERADEVARAGUDI ONI
RANEENNUR, HAVERI DISTRICT
- 60 M B KATENAHALLI
S/O B KATENAHALLI
AGED ABOUT 40 YEARS,
RESIDENT OF KOTRESHWARAMATH ONI
RANEENNUR, HAVERI DISTRICT
- 61 BASAVARAJA SHIVAPPA ADIVEPPANAVAR
S/O SHIVAPPA ADIVEPPANAVAR
AGED ABOUT 39 YEARS
RESIDENT OF HANAGONDIYAVARA ONI
RANEENNUR, HAVERI DISTRICT
- 62 GANGADHARAYYA BASAYYA YOGIMATH
S/O BASAYYA YOGIMATH
AGED ABOUT 49 YEARS
RESIDENT OF GOWLIGALLI
RANEENNUR, HAVERI DISTRICT
- 63 REVANASIDDAYYA GADIGEYVA HIREMATH
S/O GADIGEYVA HIREMATH
AGED ABOUT 66 YEARS,
RESIDENT OF GOWLIGALLI
RANEENNUR, HAVERI DISTRICT
- 64 C G HANUMAPUR
S/O G HANUMAPUR
AGED MAJOR, RESIDENT OF
UMASHANKARNAGAR, RANEENNUR
HAVERI DISTRICT

- 65 S G HANUMAPUR
S/O G HANUMAPUR
AGED MAJOR, RESIDENT OF
UMASHANKARNAGAR, RANEBENNUR
HAVERI DISTRICT
- 66 M G HANUMAPUR
S/O G HANUMAPUR
AGED MAJOR,
RESIDENT OF UMASHANKARNAGAR
RANEBENNUR, HAVERI DISTRICT
- 67 B S GURUPADADEVARAMATH
S/O S GURUPADADEVARAMATH
AGED MAJOR, RESIDENT OF
VASTRADAVARA ONI,
RANEBENNUR,
HAVERI DISTRICT
- 68 ABDUL IZAQ CHAMANSAB LOHAR
S/O CHAMANSAB LOHAR
AGED MAJOR,
RESIDENT OF UPPARAGALLI
RANEBENNUR, HAVERI DISTRICT
..PETITIONER(S)

(By Sri M V HIREMATH, ADVOCATE)

AND :

- 1 THE STATE OF KARNATAKA
BY ITS SECRETARY
FOOD AND CIVIL SUPPLIES DEPARTMENT
VIDHANA SOUDHA,
BANGALORE 560 001
- 2 THE DIVISIONAL COMMISSIONER
FOOD AND CIVIL SUPPLIES DEPARTMENT
DHARWAD DIVISION
DHARWAD
- 3 THE TAMSILDAR
RANEBENNUR
HAVERI DISTRICT ..RESPONDENT(S)

(By Smt SHOBHA PATIL, GP)

WRIT PETITIONS ARE FILED PRAYING TO QUASH THE
IMPUGNED ORDER BY R1 STATE GOVERNMENT VIDE ANN-A
DT. 31.5.99 AND NOTICE VIDE ANN-B BY R-1 AND 2 DT.
19.6.99.

In WP Nos 39035-39081 OF 1999

BETWEEN

- 1 BASAVANNEPPA GURUSIDDAPPA ANGADI
AGE:53 YRS, R/O OKKALIGARI ONI
MANVI GALLI,
GADAG
(L.NO.31)
- 2 ABDUL WAHAB AMMEERUFFIN MULLA
AGE:65 YRS, R/O DAKHANI GALLI
GADAG (L.NO.33)
- 3 VIRUPAKSHAPPA KARABASAPPA MATTI
AGE:46 YRS, R/O NALWAD GALLI
GADAG (L.NO.60)
- 4 IRANNA VEERABHADRAPPA KATARKI
AGE:45 YRS, R/O BASAVESHWAR NAGAR
GADAG (L.NO.18)
- 5 BASAPPA KOTRAPPA PADAGAD
AGE:48 YRS,
R/O GANJI BASAVESHWAR CIRCLE
GADAG (L.NO.52)
- 6 ABDULGANI MOHABOBSAAB SAYYAD
AGE:60 YRS, R/O NALWAD GALLI
GADAG (L.NO.25)
- 7 MUNIRAHAMMAD HASIMSAAB KHAJI
AGE:38 YRS, R/O DATTATRAYA ROAD
GADAG (L.NO.5)
- 8 NARAYANA TULAJAPPA ROKHADE
AGE:44 YRS,
R/O VAKKALAGERI ONI
GADG (L.NO.16)

- 9 BUDANASAAB IMAMSAAB SOODI
AGE:40 YRS,
R/O VEERESHWAR LIBRARY ROAD
GADAG (L.NO.34)
- 10 GOUSAMOHIDDIN MOHAMMADSAAB DANDIN
AGE:44 YRS,
R/O VEERESHWAR LIBRARY ROAD
GADAG (L.NO.52)
- 11 YALLOSA LAXMANAHASA HABIBI
AGE:47 YRS,
R/O VEERESHWAR LIBRARY ROAD
GADAG (L.NO.10)
- 12 IRAVVA
W/O THOTAPPA MAHALINGAPUR
AGE:50 YRS,
R/O INDUSTRIAL ESTATE
GADAG (L.NO.59)
- 13 CHAITUMBI
W/O MUKTUMSAAB HARLAPUR
AGE:49 YRS, R/O RANGANAWAS GALLI
GADAG (L.NO.59)
- 14 ABDULSAMMAD MOHAMMADSAAB KHAJI
AGE:47 YRS,
R/O GANJI BASAVESHWAR CIRCLE
GADAG (L.NO.56)
- 15 VEERABHADRAPPA TIRAKAPPA KATARKI
AGE:62 YRS,
R/O BASAVESHWAR NAGAR
GADAG (L.NO.4)
- 16 KASHAPPA CHANNABASAPPA SOPPANNAVAR
AGE:52 YRS, R/O BANKERS COLONY
GADAG (L.NO.22)
- 17 GANGABHADRA ANDAPPA SEERI
AGE:45 YRS, R/O BASAVESHWAR NAGAR
GADAG (L.NO.35)
- 18 MOULA SAAB HASIANSAB ROKKADA KATTI
AGE:41 YRS, R/O JANATA COLONY
GADAG (L.NO.32)

- 19 MOHAMMED ISMAIL GURUSAAB BODLEKHAN
AGE:49 YRS, R/O RAJIV GANDHI NAGAR
GADAG (L.NO.2)
- 20 MODINSAAB SAHEBMIYA PATEL
AGE:50 YRS, R/O JAVALIGALLI
GADAG (L.NO.27)
- 21 NARAYANASA BHAJANASA KATIGAR
AGE:65 YRS
R/O BASAVESHWAR NAGAR
GADAG (L.NO.3)
- 22 ANWAR ALI KASHIM ALI BHAVANAGARI
AGE:44 YRS, R/O SIDDALINGA NAGAR
GADAG (L.NO.36)
- 23 VISHWANATH SHIVALINGAPPA TOPAGI
AGE:48 YRS, R/O BASAVESHWAR NAGAR
GADAG (L.NO.55)
- 24 SRIKANTH VEERABHADRAPPA GADAD
AGE:40 YRS, R/O RAJIV GANDHI NAGAR
GADAG (L.NO.48)
- 25 KOTRAPPA CHANNAPPA SEERI
AGE:64 YRS, R/O BASAVESHWAR NAGAR
GADAG (L.NO.6)
- 26 BASAVARAJ ANDAPPA SEERI
AGE:38 YRS, R/O BASAVESHWAR NAGAR
GADAG (L.NO.33)
- 27 MOHAMMED ALI RAJESAAB HUBBALLI
AGE:58 YRS, R/O AJAD ROAD
JAVALI GALLI
GADAG (L.NO.7)
- 28 MOHABOBSAAB NABISAAB HANASHIMARAD
AGE:36 YRS
R/O KANYALA AGASI
BETGERI
GADAG (L.NO.45)

- 29 VIRUPAKSHAPPA SHIVAPPA SHIVASIMPIGER
AGE:45 YRS, R/O BASAVESHWAR NAGAR
GADAG (L.NO.58)
- 30 KARABASAPPA GANGADHARAPPA MUDHOL
AGE:42 YRS, R/O TENGINAKAI BAJAR
BETGERI
GADAG (L.NO.9)
- 31 USMANSAAB RAJESAAB JAALGAR
AGE:39 YRS,
R/O NEAR AMBABHAVANI TEMPLE
BETGERI
GADAG (L.NO.40)
- 32 SHANKARAPPA PARUTAPPA BARAGI
AGE:46 YRS, R/O TENGINAKAI BAJAR
BETGERI
GADAG (L.NO.21)
- 33 ABDUL KARIMSAAB
ABDUL RAHIMSAAB GADAG
AGE:38 YRS, R/O VADDARAGERI
GADAG (L.NO.53)
- 34 DAVALSAAB HUSSAINSAAB ANNIGERI
AGE:70 YRS, R/O NEAR MAILAR DEVARA
TEMPLE, BETGERI
GADAG (L.NO.26)
- 35 ALLABAXA FAKRUSAAB ITI
AGE:48 YRS, R/O VAKKALAGERI ONI
BETGERI
GADAG (L.NO.46)
- 36 SIDDALINGAPPA VEERABHADRAPPA KATARKI
AGE:42 YRS, R/O NEAR HEAD POST
GADAG (L.NO.38)
- 37 BASAVARAJ GURUPADAPPA DAVANAGERI
AGE:40 YRS, R/O NEAR TENGINKAI BAJAR
BETGERI
GADAG (L.NO.51)

- 38 HUCHHAPPA NINGAPPA ADNUR
AGE:48 YRS,
R/O GANJI BASAVESHWAR CIRCLE
GADAG (L.NO.44)
- 39 RAMACHANDRAPPA
HANUMANTHAPPA MAHENDRAKAR
AGE:50 YRS,
R/O KURAHATTIPET
BETGERI
GADAG (L.NO.47)
- 40 ASIFALI ABDUL WAHAB MULLA
AGE:36 YRS,
R/O DAKHANI GALLI
GADAG (L.NO.33)
- 41 MAHALINGAPPA KOTRAPPA HALLIGUDI
AGE:41 YRS,
R/O USUGINAGATTI
GADAG (L.NO.54)
- 42 BABUSAAB HAJARESAB ISMAILANAVAR
AGE:39 YRS,
R/O DASAR GALLI
GADAG (L.NO.42)
- 43 MOHAMMADRAFIQ
HAJARESAAB LAXMESHWAR
AGE:26 YRS,
R/O DASAR GALLI
GADAG (L.NO.62)
- 44 MUKTARAHAMMAD ALLABAX DAKHANI
AGE:41 YRS,
R/O DAKHANI GALLI
GADAG (L.NO.28)
- 45 YELLAPPA BASAPPA NAIKAR
AGE:28 YRS, R/O MANVIONI
VAKKALAGERI
GADAG (L.NO.39)

46 RAMALINGAPPA
CHANNABASAPPA SOPPANNAVAR
AGE:42 YRS,
R/O PANCHAKSHARI NAGAR
GADAG (L.NO)37)

47 MOHAMMAD IQBAL
SHAMSHUDDIN KAMALAPUR
AGE:50 YRS, R/O DAKHANI GALLI
GADAG (L.NO.61)

... PETITIONER(S)

(By Sri S P KULKARNI, ADVOCATE)

AND :

1 THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
FOOD AND CIVIL SUPPLIES DEPARTMENT
VIDHANA SOUDHA
BANGALORE-1

2 TEH DEPUTY COMMISSIONER
GADAG DISTRICT
GADAG

... RESPONDENT(S)

(By SMT SHOBHA PATIL, GP)

WRIT PETITIONS ARE FILED PRAYING TO QUASH THE
ORDER DT. 31.5.99 BY R1 HEREIN BEING ARBITRARY,
ERRONEOUS AND CONTRARY TO LAW, EQUITY AND JUSTICE
VIDE ANN-F.

In WP No 40952 OF 1999

BETWEEN

DAVANGERE CITY & TALUK
KAIGADI CHILLARE
SIMEYENNE
MARATAGARARA SANGHA,
DEVARAJURS
EXTN., 'A' BLOCK
DAVANGERE, REP.BY ITS

SECRETARY AARSHAD ALI,
S/O MOHD.KHAN,
AGED 40 YEARS,
R/O EWS COLONY
DEVARAJURS BLOCK, D.NO.179,
DAVANGERE-6

... PETITIONER

(By Sri MOHAN SHANTANAGOUDAR, ADVOCATE)

AND :

1 STATE OF KARNATAKA
REP BY SECY
FOOD AND CIVIL
SUPPLIES DEPARTMENT
M.S.BUILDING, BANGALORE

2 DEPUTY COMMISSIONER
DAVANGERE DIST.DAVANGERE

... RESPONDENT(S)

(By SMT SHOBHA PATIL, GP)

WRIT PETITION IS FILED PRAYING TO QUASH THE
ORDER DT. 31.5.99 BEARING NO. FCS:82:CRA:99
PASSED BY THE RESPONDENT 1.

WP Nos 41453-41469 OF 1999

BETWEEN

MALLAPPA OEGILA SECRETARY
ALAND KEROSENE HAWKARS
ASSOCIATION (R)
NO .5-5-113, KOTI GALLI,
ALAND TQ. ALAND, GULBARGA DIST.

... PETITIONER

(By Sri BASAVA PRABHU S PATIL, ADVOCATE)

AND :

- 1 STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF FOOD AND CIVIL
SUPPLIES, M.S.BUILDINGS,
DR.AMBEDKAR VEEDHI
BANGALORE 560 001
- 2 THE COMMISSIONER OF FOOD
AND CIVIL SUPPLIES
CUNNINGHAM ROAD,
BANGALORE
- 3 DEPUTY COMMISSIONER
GULBARGA DISTRICT
GULBARGA
- 4 THE TAHSILDAR
ALAND TALUK,
ALAND, DIST.GULBARGA

... RESPONDENT(S)

(By SMT SHOBHA PATIL, GP)

WRIT PETITIONS ARE FILED PRAYING TO QUASH
THE IMPUGNED ORDER VIDE ANNEXURE-E DATED 25-6-99 BY
RESPONDENT-4 VIDE ANNEXURE-F DATED 19-6-1999 BY
RESPONDENT-2 AND VIDE ANNEXURE-G DATED 31-5-1999 BY
RESPONDENT-1.

In Nos 41470-41514 OF 1999

BETWEEN

SEEMEYENNE HAWKERS
DEALERS WELFARE ASSOCIATION
REPRESENTED BY ITS SECRETARY
SRI SHIVASHARANAPPA
MAJOR, R/O SHAHAPUR
DIST.GULBARGA

... PETITIONER

(By Sri BASAVA PRABHU S PATIL, ADVOCATE)

AND :

- 1 STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF FOOD AND CIVIL
SUPPLIES, M.S.BUILDINGS,
DR.AMBEDKAR VEEDHI,
BANGALORE 560 001
 - 2 THE COMMISSIONER FOF
FOOD AND CIVIL SUPPLIES
CUNNINGHAM ROAD,
BANGALORE
 - 3 DEPUTY COMMISSIONER
GULBARGA DISTRICT
GULBARGA
 - 4 THE TAHSILDAR
SHAHAPUR TALUK
SHAHAPUR
DIST.GULBARGA
- ... RESPONDENT(S)

(By Smt SHOBHA PATIL, GP)

WRIT PETITIONS ARE FILED PRAYING TO QUASH THE
IMPUGNED ORDER VIDE ANN-E DT. 22.6.99 BY R4 VIDE
ANN-F DT. 19.6.99 BY R2 AND VIDE ANN-G DT.
31.5.99 BY R1.

In WP Nos 42253-42258/1999

BETWEEN

- 1 ANWAR S/O MOHAMED KASIM
AGED ABOUT 50 YEARS,
R/AT NO.3296, III CROSS,
ANE GUNDI RASTHE,
II EDIGA, MYSORE-21

2 RAJA RAO
S/OF SRI KRISHNOJI RAO
AGED ABOUT 42 YEARS,
R/AT NO.121, IST CROSS,
KAILASAPURAM, MANDI MOHALLA
MYSORE-21

3 AMEER PASHA
S/OF LATE CHOTA SAHEB
AGED ABOUT 35 YEARS,
R/AT NO.13/2, A.G.BLOCK,
N R MOHALLA , MYSORE-7

4 DESI
S/OF RAME GOWDA
AGED ABOUT 48 YEARS
R/AT NO.2857, 4TH CROSS
JAYANAGAR, MYSORE

5 MERAPPA
S/OF THIBBAIAH,
AGED ABOUT 40 YEARS
R/AT NO.56, II MAIN,
III CROSS, JAYANAGAR
MYSORE

6 NINGIAH
S/OF SRI RAME GOWDA
AGED ABOUT 48 YEARS,
R/AT NO.2857, 4TH CROSS,
JAYANAGAR , MYSORE

... PETITIONER(S)

(By Sri M PAPANNA, ADVOCATE)

AND :

1 THE STATE OF KARNATAKA
REPRESENTED BY THE
SECRETARY TO THE GOVERNMENT,
FOOD AND CIVIL SUPPLIES DEPARTMENT
MULTI STORIED BUILDING,
BANGALORE 560 001

2 THE DIRECTOR
FOOD AND CIVIL SUPPLIES DEPARTMENT,
GOVERNMENT OF KARNATAKA,
CUNNINGHAM ROAD,
BANGALORE 560 001

3 THE DEPUTY COMMISSIONER (FOOD)
OFFICE OF THE DEPUTY COMMISSIONER
MYSORE CITY

4 THE ASSISTANT DIRECTOR
AND LICENSING AUTHORITY
MYSORE RATIONING DIVISION,
FOOD AND CIVIL SUPPLIES DEPARTMENT
MYSORE

... RESPONDENT(S)

(By Smt SHOBHA PATIL, ADVOCATE)

WRIT PETITIONS ARE FILED PRAYING TO COMMAND OR
DIRECTION AGAINST THE RESPONDENTS AND QUASH THE
NOTICE DT. IN C:PR:64:99-2000, AS PER ANX.F.

In WP No 42278 OF 1999

BETWEEN

GULBARGA SEEMEYENNE
CHIKKA VARTAKARA (HAWKERS)
SANGHA, GULBARGA
BY ITS PRESIDENT, SHIVARAJ
MAHARUDRAPPA BHURE
MAJOR, R/O GULBARGA

... PETITIONER(S)

(By Sri RAMESH S BIRADAR, ADVOCATE)

AND :

- 1 THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
FOOD AND CIVIL SUPPLIES
DEPARTMENT, M S BUILDING
BANGALORE
- 2 THE COMMISSIONER OF FOOD AND
CIVIL SUPPLIES
CUNNINGHAM ROAD,
BANGALORE
- 3 THE ASST DIRECTOR RATIONS
FOOD AND CIVIL SUPPLIES DEPARTMENT
GULBARGA
- 4 THE DEPUTY COMMISSIONER FOOD
GULBARGA
- 5 THE TAHSILDAR
GULBARGA

... RESPONDENT(S)

(By SMT SHOBHA PATIL, GP)

WRIT PETITIONS ARE FILED PRAYING TO QUASH VIDE
ANX. E DT. 31.5.99.

WP No 42784-42786 OF 1999

BETWEEN

- 1 SHARNAPA GURAPPA GORWAR
AGE:35 YRS
R/O KARGANAWAR CHAWL
YELLAPUR ONI
HUBLI-20
LICENCE NO.303/87
- 2 FAKIRAPPA H NAIKAR
AGE:40 YRS
SAINAGAR HUBLI
LICENCE NO.228/87
- 3 ISMAILSAB MAHABOBSAB CHATHRIWALE
AGE:32 YRS

R/O GOKUL ROAD
HOSUR, HUBLI
LICENCE NO.311/88

... PETITIONER(S)

(By Sri S R SHINDE, ADVOCATE)

AND :

- 1 STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF FOOD & CIVIL
SUPPLY, M.S.BUILDING
VIDHANA SOUDHA
BANGALORE-1
- 2 THE DIRECTORATE OF FOOD
CIVIL SUPPLIES
CUNNINGHAM ROAD
BANGALORE
- 3 THE DEPUTY COMMISSIONER
DHARWAD, FOOD & CIVIL SUPPLIES
DEPARTMENT, DHARWAD

... RESPONDENT(S)

(By SMT SHOBHA PATIL, GP)

WRIT PETITION ARE FILED PRAYING TO QUASH
VIDE ANX.D DT. 31.5.99 AND ANX.E DT.
19.6.99/27.7.99 BY R2 AND 3.

In WP Nos 42778-42780 OF 1999

BETWEEN

- 1 MOHAMMED HUSSAIN (HAWKERS)
AGE MAJOR
LICENCE NO.99:90
R/O NAGANAHALLY
KESARATAGI
TK & DIST:GULBARGA

2 NABISHA (HAWKERS)
AGE MAJOR
LICENCE NO.77:88
R/O RAJAPUR
TK & DIST:GULBARGA

3 SYEDSAB (HAWKERS)
AGE MAJOR
LICENCE NO.28:87-88
R/O KAPPANUR
TK & DT:GULBARGA

... PETITIONER(S)

(By Sri RAMESH S BIRADAR, ADVOCATE)

AND :

1 THE STATE OF KARNATAKA
REPRESENTED BY ITS SECY
FOOD & CIVIL SUPPLIES DEPT
M.S.BUILDING
BANGALORE 1

2 THE COMMISSIONER OF
FOOD & CIVIL SUPPLIES
CUNNINGHAM ROAD
BANGALORE

3 THE ASST DIRECTOR (RATIONS)
FOOD & CIVIL SUPPLIES DEPT
GULBARGA DISTRICT
GULBARGA

4 THE DEPUTY COMMISSIONER (FOOD)
GULBARGA DISTRICT
GULBARGA

5 THE TAHSILDAR
GULBARGA TALUK
GULBARGA DISTRICT
GULBARGA

... RESPONDENT(S)

(By SMT SHOBHA PATIL, GP)

WRIT PETITIONS ARE FILED PRAYING TO QUASH
THE G.O. DT. 31.5.99 VIDE ANN-E.

In WP NOs 44193/1999

BETWEEN

- 1 DISTRICT KEROSENE
HAWKERS ASSOCIATION CHITRADURGA
BRANCH NEW SAN THE MAIDAN
DAVANGERE ROAD, CHITRADURGA
REP BY ITS PRESIDENT G CHANDRAPPA
S/O KALASI GIDDAPPA
 - 2 B F MEHBOOB SUBANULLA
S/O FAKEER SAB, SECRETARY
DIST KEROSENE HAWKERS ASSOCIATION
CHITRADURGA, NEW SAN THE MAIDAN
DAVANGERE ROAD, CHITRADURGA
..PETITIONERS
- (By Sri B R SATHENAHALLI, ADVOCATE)

AND :

- 1 STATE OF KARNATAKA BY ITS SECRETARY
FOOD AND CIVIL SUPPLIES DEPT
M S BUILDING
BANGALORE - 560 001
 - 2 THE DIRECTOR
FOOD AND CIVIL SUPPLIES
CUNNINGHAM ROAD
BANGALORE - 560 001
 - 3 THE DEPUTY COMMISSIONER
CHITRADURGA DIST
CHITRADURGA
..RESPONDENT(S)
- (By SMT SHOBHA PATIL, GP)

WRIT PETITION IS FILED PRAYING TO DECLARE
THAT WHEREVER AUTHORISED OFFICERS APPOINTED UNDER
THE ESSENTIAL COMMODITIES (PDS) CONTROL ORDER 1992

TO ISSUE AUTHORISATION TO DEAL WITH THE ESSENTIAL COMMODITIES (KEROSENE) THE STATE GOVT. OR ITS SUBORDINATE HAVE NO POWER TO CANCEL OR ANNUAL ENM ASSE THE ORDERS OF AUTHORISATION BY VIRUTE OF CLAUSE 16 OF THE ESSENTIAL COMMODITIES (PDS) CONTROL ORDER 1992.

THESE PETITIONS ARE COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

O R D E R

The petitioners in these petitions are all holders of Hawkers' licences under the Karnataka Essential Commodities Licencing Order, 1986, [for short, 'licencing order']. A few of them have also obtained authorisation under the Karnataka Essential Commodities [Public Distribution System] Control Order, 1992 ['PDS Control Order' for short].

2. Petitioners are allotted kerosene for distribution under the public distribution system to ration card holders. Petitioners claim that each Hawker who possesses a push cart, is allotted 150 to 300 ration cards for distribution of kerosene. It is stated that each card holder is entitled to 10 litres of kerosene per month, if he does not have gas connection [and two litres per

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month if he has gas connection]. Having regard to the number of ration cards allotted to each Hawker, and the quantity of kerosene to which each ration card holder is entitled, each Hawker gets about 2,000 to 3,000 litres of kerosene for distribution to the ration card holders. It is stated that they are being paid a commission of 25 paise per litre of kerosene. Therefore, the maximum income a push cart kerosene Hawker gets is only Rs 500.00 to 625.00 per month. Most of the push cart Hawkers eke out a living out of the said meagre income or by working part time elsewhere to meet two ends to meet.

3. The State Government, in exercise of its powers conferred under Section 5 of the Essential Commodities Act, 1955 ['Act' for short] has made Karnataka Essential Commodities [Public Distribution System] Control Order, 1992 to regulate the distribution of essential commodities [rice, wheat, wheat products, sugar, edible oil and kerosene]. Clause 3 of the said order provides for grant of authorisation by the authorised Authority; and a person obtaining an authorisation to run a

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fair price depot is entitled to obtain essential commodities issued under the public distribution system and distribute them to the ration card holders, residing in the area specified therein. Subclause (2) of Clause 3 of the PDS Control Order provides that authorisation holder shall run the fair price depot, in accordance with the terms and conditions contained in the authorisation and no other person shall sell any essential commodity supplied by the Government meant for distribution under public distribution system. There is no provision under the PDS Control Order, for grant of Hawkers' licences for distribution of kerosene or any essential commodities under the public distribution system.

4. When the PDS Control Order was made in 1992, it provides for distribution of foodgrains to ration card holders through fair price depots at fair prices fixed by the government. Kerosene was not a commodity to be distributed through fair price depots under the public distribution system Control Order, 1992. Kerosene ~~was~~ continued to be distributed through retail dealers and Hawkers, who

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were licencees under the Licencing Order. The PDS CONTROL ORDER Order was amended by the Karnataka Essential Commodities [Public Distribution System] (Amendment) Control Order, 1996, as per Notification No FCS 589 DRA 96 dated 30-12-1996 [gazetted on 27-3-1997] by which the definition of 'public distribution system' under clause 2(1) was amended to mean a scheme of distribution system through which the State Government distributes essential commodities specified in the schedule appended to the order, to the ration card holders through the fair price depots at a fair priced fixed by the government. By the said amendment, a schedule was also added, listing the essential commodities to be distributed through the public distribution system. The essential commodities listed are rice, wheat, wheat products, sugar, edible oil and kerosene. ~~including the distribution of kerosene to the system.~~ Thus, kerosene was brought under the PDS Control Order with effect from 27-3-1997.

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5. The kerosene Hawkers, who were holding licences under the Licencing Order and who were being permitted to distribute kerosene to ration card holders, before the amendment to PDS Control Order, had to obtain Authorisations under the PDS Control Order, if they wanted to continue distribution of kerosene to card holders. However, ~~providing~~ ^{pending} transition, the kerosene Hawkers ~~were~~ permitted to continue distribution on the basis of Hawkers' licences issued under the Licencing Order, purely as an ad-hoc and temporary measure. It is stated that a few of the Hawker licence holders, however, obtained authorisation also, but their number is not many and the remaining majority continue to operate only with the Hawkers licences obtained under the Licencing Order.

6. The PDS Control Order specifically contemplates that each authorisation holder distributing essential commodities in retail to ration card holders, should run his fair price depot in a suitable premises with sufficient space to store the essential commodities. Therefore, the State Government issued the impugned order dated 31-5-1999, directing discontinuation of

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distribution of kerosene under the public distribution system through Hawkers, operating with hand carts and directed that henceforth kerosene shall be distributed under the public distribution system only through the regular/permanent shops. The said order also provides for grant of sufficient time to the Hawkers to become authorisation holders by obtaining suitable shops as required under clause 5(b) of the PDS Control Order. The order also gave six months' time to the kerosene Hawkers to shift from ~~hand driven~~^{Push} carts to regular shops. It further directed all Hawkers who distributed kerosene through push carts and who do not shift over to the regular shops will not be permitted to sell kerosene under the public distribution system, but can obtain licence to sell kerosene under the open market system. The preamble to the said order makes it clear that the said order is passed in pursuance of the directions of this court in **MYSORE CITY KEROSENE HAWKERS' SANGHA vs STATE OF KARNATAKA [ILR 1997 KAR 796]** wherein this court held that the PDS Control Order does not contemplate kerosene being sold to card holders through hawkers but only through fair price

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depots; and Hawkers who have been licenced under the Licencing Order for sale of kerosene cannot distribute kerosene under the public distribution system to ration card holders, but can only sell kerosene under the parallel open market system. Consequential directions have also been issued to stop distribution of kerosene to card holders under the public distribution system through Hawkers from 1-1-2000.

7. Feeling aggrieved, petitioners have filed these petitions for quashing the Government Order dated 31-5-1999 and the consequential orders, directing stoppage of distribution of kerosene through hawkers. Petitioners contend that as the Licencing Order contemplates grant of licence to Hawkers, it should be inferred that the distribution of essential commodities by way of sale through Hawkers is a recognised form of distribution of essential commodities and the State, by an executive order, cannot do away with the sale/distribution of kerosene under the public distribution system through the Hawkers.

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8. Reliance is placed on the decisions of this court in **ALAND KEROSENE HAWKERS' ASSOCIATION(R) AND OTHERS vs STATE OF KARNATAKA AND ANOTHER** [WP No 17778-794 of 1996 and connected matters, decided on 10-9-1996] and in **KARABASAPPA vs STATE OF KARNATAKA** [WP No 20362-382 of 1996, decided on 10-6-1999].

8.1 In the **ALAND's** case, this court held that having granted Hawkers' licence for a calender year, the Authorities under the Licencing Order, can regulate the manner of sale as provided under clause 2 and clause 9 of the licences, by issuing directions which are regulatory in nature; but such powers of regulation cannot be used to require Hawkers, who move from place to place to sell and supply kerosene to card holders, to take a shop near the fair price depot and carry on their business in a fixed place and therefore the petitioners therein who had been granted Hawkers licences to be in force till 31-12-1996, are entitled to continue as Hawkers till the expiry of the licences granted to them and they could not be required to take shops near fair price depots for distributing kerosene under Hawker's licence. In

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other words, the said decision merely provides that a licence under the Licencing Order once granted cannot be modified by changing the nature of licence from that of an Hawker to that of a retail dealer, during the ^{validity} period of licence. The said decision did not deal with the requirement of an authorisation under the PDS Control Order, for distribution of essential commodities to card holders. In KARIBASAPPA's case, this court reiterated that once the Hawkers' licences are issued, to distribute kerosene by moving from one place to another, they cannot be required to do the business in a particular fixed place by opening a shop, near the fair price depot, which distributes other essential commodities.

8.2 The said two decisions reiterate the decision of this court in KARNATAKA KEROSENE HAWKERS' ASSOCIATION vs STATE OF KARNATAKA [WP No 2361 of 1984, decided on 16-2-1984], wherein this court held that if the Hawker is required to sell kerosene in a fixed place, the essential characteristic of a Hawker's licence [i.e moving from place to place to sell goods] will be wiped

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out and any requirement that a Hawker should sell kerosene from a fixed place would convert a 'Hawker's licence' into a 'retail dealer's licence' thereby deleting the class of licencees known as 'Hawkers licence' from the Licencing Order, and such a course would be opposed to the scheme of the Licencing Order.

8.3 Petitioners next relied on the decision of this court in the KARNATAKA KEROSENE RETAIL DEALERS' FEDERATION vs STATE OF KARNATAKA AND OTHERS [ILR 1997 KAR 1988], wherein this court recognised a three tier system of distribution of essential commodities under the Licencing Order i.e. wholesale dealers, retail dealers and Hawkers.

8.4 These authorities have no relevance to decide the issue arising in these petitions, that is whether a Hawker holding a licence under the Licencing Order, can distribute kerosene under the Public Distribution Scheme under the PDS Control Order [as amended by Notification dated 30-12-1996, gazetted on 27-3-1997].

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9. On the other hand, there are three decisions, which directly consider the question that arises in this case. They are VYVASAYA SEVA SAHAKARA NEMA CO-OPERATIVE SOCIETY vs STATE OF KARNATAKA AND OTHERS [ILR 1997 KAR 640], MYSORE CITY KEROSENE HAWKERS SANGHA vs STATE OF KARNATAKA [ILR 1997 KAR 796] and BASAVANTHA NAIK vs STATE OF KARNATAKA [WP No 34407 OF 1997, decided on 12-12-1997].

9.1) In VSSN SOCIETY's case, this court held that an authorisation to distribute kerosene under the public distribution system can only be granted by an authorised Authority under the PDS Control Order and obtaining of a licence under the Licencing Order will not entitle such licensee under the Licencing Order to distribute essential commodities (including kerosene) under the public distribution system. This court, after considering the provisions of PDS Control Order and the Kerosene [Restriction on use and Fixation of Price] Order, 1966, held that kerosene is meant to be distributed or sold to ration card holders at a

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fixed price only through the persons holding authorisation under the provisions of the PDS CONTROL ORDER ~~Order~~.

9.2 In MYSORE CITY KEROSENE HAWKERS case [supra], this court referred to the provisions of Kerosene [Restriction on Use and Fixation of Price] Order, 1993, wherein a clear distinction has been made between public distribution system and the parallel marketing system. The parallel marketing system is defined under clause 2(i) of the said order as a system other than the public distribution system, under which a person imports, transports, packs, distributes or sells kerosene under his own arrangement. Clause 2(j) of the said order describes the 'public distribution' system, as meaning a system of distribution, marketing or selling of kerosene at declared price through a distribution system approved by the Central or State Government. This court held that a holder of licence under the Licencing Order to sell the kerosene is only entitled to sell the kerosene

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under the parallel marking system and not entitled to supply kerosene under the public distribution system.

9.3 In **BASAVANTHA NAIK's** case, this court considered the question whether the authorisation holder under the PDS Control Order should also obtain a licence under the Licencing Order. This court held that a person holding an authorisation to run a fair price shop for distribution of essential commodities under the public distribution system under PDS Control Order and who does not deal generally in essential commodities as a retail dealer is not required to take a licence under the Licencing Order. This court observed thus:

"The Licencing Order, as well as the PDS Control Order, are made by the State Government in exercise of the powers delegated to it under the provisions of the Essential Commodities Act, 1955. The two orders regulate two different spheres of activity. The first regulates dealing in Essential Commodities other than essential commodities distributed under the Public Distribution System. The second regulates distribution of essential commodities under the public distribution system. A conjoint regarding of the Licencing Order and PDS Control Order, therefore make it clear:

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(a) that persons who deal in essential commodities [other than the essential commodities which are issued under the public distribution system for distribution to ration card holders] require a licence under the Essential Commodities Licencing Order; (b) persons who run fair price depots exclusively distributing essential commodities issued under the public distribution system from the State, to ration card holders require only an authorisation under the PDS Control Order and not a licence under the Licencing Order."

10. The aforesaid three decisions make it clear that holding of a licence under the Licencing Order will not enable the holder of such licence to distribute essential commodities ^{to ration card holders} under the PDS Control Order. A Hawker's licence is contemplated only under the Licencing Order and not under the PDS Control Order. Under the PDS Control Order, a fair price depot has to be run by a person holding the authorisation issued by the authorised Authority. Under the PDS Control Order, an authorisation to run a fair price depot can be issued only to a person who possesses a suitable business premises. As PDS Control Order does not contemplate sale of kerosene under the public distribution system through Hawkers in push carts,

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the order dated 31-5-1999 ~~is~~ discontinuing the system of supply of kerosene to Ration Card Holders under the public distribution system through Hawkers, does not suffer from any infirmity. In fact, it merely gives effect to the provision of the PDS Control Order and the aforesaid decisions of this Court and is not therefore open to challenge. The challenge to consequential orders directing stoppage of distribution of kerosene to Ration Card Holder under public distribution system, through Hawkers, from 1-1-2000 is also not open to challenge. The petitions, therefore, will have to fail, in so far as persons ^{who are} holding Hawkers' licences only.

11. However, at this stage, one aspect requires to be noticed. It is stated that a Hawker is allotted hardly 150 to 200 ration cards, for distribution of kerosene and each ration card holder is not entitled to more than 10 litres of kerosene per month [it is as little as two litres if the ration card holder is having a gas connection]. In the circumstances, a Hawker distributes about 2000 to 3000 litres of kerosene

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per month and would normally get an income of hardly Rs 500.00 to 625.00, as his commission is only 25 paise per litre. I am told that there are more than 20000 Hawkers in the State. It is unfair to expect or insist that these Hawkers who belong to the weaker section of the society and who eke out a livelihood with such a meagre income of Rs 500.00 to Rs 625.00 per month to have a regular shop, either on ownership or rental basis. Judicial notice can be taken of the fact that having a regular shop either on rent or on ownership basis, involves a considerable investment or expenditure. It is needless to say that persons who have financial capacity to own or rent a shop will not choose to be street Hawkers. It is only the poor, who cannot afford to have a shop, who take Hawker's licences. To expect such persons from weaker sections who have become Hawkers, to take a shop is unrealistic, bordering on being an unreasonable requirement.

12. Before making any change in the existing system, the government should have considered the consequences of such a requirement. It is no doubt

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true that the impugned government order dated 31-5-1999 has been necessitated on account of certain irregularities noticed in sale of kerosene by hawkers, and ~~an~~^{the} order of this court in ILR 1997 KAR 796. But, this court was merely explaining the legal position with reference to the existing provisions of the Licencing Order and the PDS Control Order. The orders of this Court do not come in the way of formation of any modified Scheme or amendment to the relevant provisions of the PDS Control Order. It would, therefore, be just and appropriate if the State Government considers the plight of more than 20000 Hawkers all over the State and formulates an appropriate scheme, which either increases their commission [income] enabling them to take shops or provides them some kind of permanent shelters [as in the case of milk booths] so that the Hawkers can distribute kerosene from such shops. The petitioners submit that if they are provided some place at reasonable rent by the government or if their commission is increased, or if the number of cards allotted for supply is increased, they will not have any objection for carrying the distribution of kerosene from such shops by obtaining authorisation under the PDS Control

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Order. It is financial incapacity which makes it difficult, if not impossible, for them to have shops. The government may, therefore, consider formulating a suitable policy in the matter before the end of this year [31-12-2000]. Having regard to the fact that the licences under the Licencing Order are for a period of a calendar year and the calendar year 2000 has already commenced, it would be appropriate if the licences of petitioners are renewed and the status quo is maintained till the end of the year or till such shorter period, by which time the Government is able to formulate a more realistic and reasonable policy. It is made clear that what is stated in this para ~~are~~ not directions, but a suggestion to ensure that a large section of persons belonging to weaker section ~~will~~ ^{are} not ~~be~~ left without a means of livelihood, abruptly.

13. The period of authorisation now granted under the PDS Control Order is three years, in contrast with the period of licence which is one year, under the Licencing Order. It is needless to say that wherever the petitioners have already

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obtained authorisations under the PDS Control Order, distribution of Kerosene to card holders through them cannot be stopped. In fact neither the order, dated 31-5-1999 nor any consequential order applies to petitioners who have already obtained authorisations under PDS Control Order. Even if authorizations are wrongly issued to persons without shops, supply to them cannot be stopped unless action is taken in accordance with law, for cancelling of such authorisations. Be that as it may.

14. In view of the above, these petitions are disposed of subject to observations in paras (11) and (12) in regard to petitioners having Hawkers' licences under the Licencing Order, and subject to the observations in para (13) in regard to petitioners having authorisations under the PDS Control Order.

***pjk/ujk

Sd/ ^{nr}
Judge