



IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 20TH DAY OF AUGUST, 2025 PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C M JOSHI WRIT APPEAL NO. 585 OF 2025 (EXCISE)

BETWEEN:

- THE PRINCIPAL SECRETARY TO GOVERNMENT FINANCE AND EXCISE DEPARTMENT VIDHANA SOUDHA AMBEDKAR VEEDHI BANGALORE - 560 001
- 2. THE COMMISSIONER OF EXCISE
 IN KARNATAKA
 NO. 27, 2ND FLOOR
 TTMC SHANTHINAGAR BUS TERMINAL
 SHANTHI NAGAR
 BENGALURU 560 027
- 3. THE DEPUTY COMMISSIONER MANDYA DISTRICT MANDYA 571 401
- 4. THE DEPUTY COMMISSIONER OF EXCISE MANDYA DISTRICT ABHAKARI BHAVAN BEHIND OFFICE OF THE DEPUTY COMMISSIONER MANDYA 571 401

...APPELLANTS

(BY SMT. PRATHIMA HONNAPURA, AAG)





AND:

1. A S MAHESHA
S/O LATE M B SONNEGOWDA
AGED ABOUT 66 YEARS
MBS RESIDENCY, PROPOSED CL-7 APPLICANT
KHAT NO. 491
SOMANAHALLI VILLAGE
AKKIHEBBALU HOBLI
K R PET TLAUK 571605
MANDYA DISTRICT

...RESPONDENT

(BY SRI. G.K. BHAT, SENIOR ADVOCATE FOR SMT. D. SUDHA, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE WRIT APPEAL AND SET ASIDE THE ORDER DATED 10.01.2025 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WP No.30789/2024 (EXCISE).

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU ,CHIEF JUSTICE and HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. For the reasons stated in the application-I.A No.1/2025, the same is allowed. The delay caused in filing the appeal is condoned.



- 2. The State has filed the present appeal impugning an order dated 10.01.2025 [impugned order] passed by the learned Single Judge in Writ Petition No.30789/2024 (EXCISE), whereby the same was allowed.
- 3. The said petition was filed by the respondent impugning an order dated 29.10.2024 passed by the Deputy Commissioner, Mandya District rejecting the respondent's application for the liquor licence. The impugned order indicates that the application was required to be considered by the Deputy Commissioner of Excise whereas, it was passed by the Deputy Commissioner, Mandya, who was not the concerned authority. The learned Additional Government Advocate appearing for the appellants had also conceded to the said contention. In the aforesaid circumstances, the learned Single Judge had not expressed any opinion on the merits of the writ petition.
- 4. Concededly, the reason for which the petition was allowed is erroneous. The learned counsel for both the parties submit that under the Rules, the Deputy Commissioner and the Deputy

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Commissioner of Excise are empowered to consider the

application.

5. In view of the above, we set aside the impugned order and

restore the writ petition before the learned Single Judge for

consideration on merits.

6. The appeal is allowed with consent of the parties.

7. The learned counsel for the parties are also at liberty to

request the learned Single Judge to hear and dispose of the

petition at an earlier date.

8. Pending application also stands disposed of.

Sd/-(VIBHU BAKHRU)

CHIEF JUSTICE

Sd/-(C M JOSHI) JUDGE

AHB

List No.: 1 SI No.: 71