

Dodla Diary Ltd vs The State Of Karnataka on 28 November, 2022

Author: M.Nagaprasanna

Bench: M.Nagaprasanna

- 1 -

WP No. 23974 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF NOVEMBER, 2022

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA
WRIT PETITION NO. 23974 OF 2021 (GM-RES)

BETWEEN:

1. DODLA DIARY LTD
MILK AND MILK PALLI,
NADIMIDODDI PALLI,
MOROM POST,
PALAMANER,
CHITTUR DISTRICT,
ANDHRA PRADESH-517408
REPRESENTED BY ITS MANAGER,
SRI G PRADEEP KUMAR,
HEAD OFFICE AT:
D NO.8-2-293/82/A PLOT NO.270-Q,
ROAD NO.10C, JUBILEE HILLS,
HYDERABAD-500033

...PETITIONER

(BY SRI. NARASIMHARAJU, ADVOCATE)

Digitally signed by
PADMAVATHI B K
Location: HIGH
COURT OF
KARNATAKA

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S.BUILDING,
BANGALORE - 560 001.

2. THE DESIGNATED OFFICER (ADDITIONAL CHARGE)
SENIOR FOOD SAFETY OFFICER,

-2-

WP No. 23974 of 2021

FOOD SAFETY AND STANDARD ACT,
CHIKKABALLAPURA DISTRICT - 562 101

3. THE DEPUTY COMMISSIONER
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA - 562 101

4. SRI A MANJUNATHA
S/O ASHWATHANARAYANA SWAMY,
AGED ABOUT 40 YEARS,
R/AT MANJU MILK CENTRE KOLAR ROAD,
6TH MAIN, CHINTAMANI TOWN - 563 102

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R1 TO 3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
R-3 DTD 06.12.2016 BEARING
NO.JIANKA/ASUGUKA/V/02/2016-17 VIDE ANNEX-A.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court seeking the following prayer:

a) Issue WRIT OF CERTIORARI by quashing the order of 3rd Respondent dated 06-12-2016 bearing No.JIANKA/ASUGUKA/V/02/2016-17 as per ANNEXURE-'A'.

b) Issue such other Writ, or Order, or Direction as this Hon'ble deems fit to grant under the circumstance of the case in the interest of justice and equity.

2. Heard Sri. Narasimharaju, learned counsel appearing for the petitioner, Smt. Rashmi Patel, learned HCGP appearing for respondent Nos.1 to 3 and have perused the material on record.

3. The grievance of the petitioner are the contents of the order dated 06.12.2016. By the said order, the milk supplied by the petitioner is declared to be of sub-standard and a fine of Rs.2.00 lakhs is imposed on him. The said order is passed on 25.09.2016.

4. Learned counsel appearing for the petitioner submits that this order comes to the knowledge of the petitioner only in the year 2021, as no notice was even served upon the petitioner prior to the passage of the order dated 06.12.2016.

5. This Court directed the learned HCGP to secure the records and demonstrate service of notice upon the petitioner by the Additional Commissioner while deciding the issue against the petitioner.

6. Learned HCGP on verification of the records and instructions would submit that the notice was served upon one Janakirama, who is unknown to the petitioner and the order itself is served 2 years of passage of the order.

7. Therefore, it is a clear case, where the petitioner was neither notified nor heard before the Authority could arrive at a conclusion that the milk supplied by the petitioner was of sub-standard and imposing a fine of Rs.2.00 lakhs.

8. Admittedly, the order impugned entails civil consequences upon the petitioner and therefore, he ought to have been heard before the passage of the order. The records would indicate that the impugned order was served 2 years after the passage of the order.

9. The allegation of the petitioner is that he was not heard gets vindicated by this very act. Therefore, the order being in blatant violation of principles of natural justice is required to be obliterated and the Authority is required to consider the matter afresh after notifying the petitioner and hearing his defence on the allegation.

10. For the aforesaid reasons, the following ORDER I. The writ petition is allowed.

II. The order dated 06.12.2016 stands quashed. III. The matter is remitted back to the hands of respondent No.2, who shall issue notice to the petitioner, hear him and then pass appropriate orders in accordance with law.

Sd/-

JUDGE SJK