



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

**DATED THIS THE 29<sup>TH</sup> DAY OF APRIL, 2025**

**BEFORE**

**THE HON'BLE MR JUSTICE B M SHYAM PRASAD**

**WRIT PETITION NO. 12459 OF 2025 (EXCISE)**

**BETWEEN:**

1. NAVEEN KUMAR N  
S/O LATE NAGARAJU,  
AGED ABOUT 35 YEARS,  
GANJALAGUNTE POST,  
KASABA HOBLI, MADHUGIRI TALUK,  
MARUVEKERE, TUMKUR-572132.
2. RANGANATHA M S,  
S/O SHIVAMURTHY,  
AGED ABOUT 30 YEARS,  
GANJALAGUNTE POST,  
KASABA HOBLI, MADHUGIRI TALUK,  
MARUVEKERE, TUMKUR-572132.

...PETITIONERS

(BY SRI. B S BASAVARAJU., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
BY ITS SECRETARY,  
DEPARTMENT OF EXCISE,  
VIDHANA SOUDHA, BENGALURU 560 001.
2. DEPUTY COMMISSIONER,  
EXCISE, TUMAKURU  
OFFICE OF THE DEPUTY COMMISSIONER,





TUMAKURU TOWN, KARNATAKA 572 101

3. EXCISE INSPECTOR,  
OFFICE OF EXCISE INSPECTOR,  
MADHUGIRI TALUK  
TUMAKURU DISTRICT,  
KARNATAKA 572 132
4. NAGESH,  
S/O HANUMANTHARAYAPPA,  
AGED ABOUT 50 YEARS,  
DODDAVEERAGONDANAHALLI VILLAGE,  
KASBA HOBLI, MADHUGIRI TALUK,  
TUMKUR DISTRICT -572132

...RESPONDENTS

(BY SRI. MANJUNATH B., AGA FOR R1 TO R3)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS NOT TO SHIFT ARYAN BAR AND RESTAURANT FROM KAVANADALA VILLAGE OF MADHUGIRI TALUK TO MARUVEKERE VILLAGE OF MADHIGIRI TALUK; DIRECT THE RESPONDENT TO CONSIDER THE REPRESENTATION GIVEN BY THE PETITIONERS DTD 14.03.2025, 15.03.2025, 17.03.2025, 17.03.2025 AND 25.03.2025 (PRODUCED AS ANNEX-B, C, D, E AND F.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR JUSTICE B M SHYAM PRASAD

**ORAL ORDER**

The petitioners, asserting that they are the permanent residents of Maruvekere Village, Madhugiri Taluk, Tumkur, have filed this petition contending that the fourth respondent, who operates a Bar and Restaurant in Kavanadala Village, Madhugiri Taluk, has filed an application for transfer of the excise license to operate in Maruvekere Village, Madhugiri Taluk and that they have filed different representations opposing the transfer but these representations have not been considered.

Mr. B. S. Basavaraju, the learned counsel for the petitioners, argues in support of the petition relying upon these circumstances, and Mr. B. Manjunath, the learned Additional Government Advocate, who is called upon to accept notice for the



first to third respondents, is heard in the light of these circumstances for final disposal dispensing with notice to the fourth respondent.

This Court must observe that if any direction is to be issued at the instance of the petitioners, they must demonstrate their *locus* and the mere fact that they are the residents of the village to which the license could be transferred will not by itself give them a right. As such, the petition must be disposed of observing that the Authorities concerned must consider all circumstances while examining the fourth respondent's request for transfer of the license.

The petition stands disposed of accordingly.

**Sd/-  
(B M SHYAM PRASAD)  
JUDGE**

RB