

(1990) 06 KAR CK 0030
In the Karnataka High Court
Case No : W.P. No. 7635/1990

Laxmamma

APPELLANT

Vs

Zilla Parishat, Chitradurga and Others

RESPONDENT

Date of Decision : 20-06-1990

Acts Referred:

Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 — Section 182

Citation : (1990) 2 KarLJ 448

Hon'ble Judges : M. P. Chandrakantaraj Urs, J

Judgement

The petitioner is aggrieved by the resolution of the General Standing Committee of the 1st respondent-Zilla Parishat, Chitradurga District, Chitradurga, as at Annexure-B to the petition. The said resolution is dated 20-2-1990 and it was passed unanimously recommending sanctioning of a licence to open a fair-price shop to one Smt. Palamma. Pursuant to that, the Zilla Parishat, the 1st respondent, at its general meeting held on 6-3-1990 among other things passed a resolution according approval to the resolution as evidenced by Annexure-C to the petition. Aggrieved by the resolution as at Annexure-B of the General Standing Committee and the resolution of the Zilla Parishat approving all other subjects at its meeting held on 6-3-1990 (except the one by which subject No. 7 was transferred to the Standing Committee (Finances) from the General Standing Committee of the Zilla Parishat) as at Annexure "C", the petitioner has alleged that she was an applicant before the Mandal Panchayat for sanctioning a licence to open a fair-price depot to distribute essential commodities and therefore without considering her case and without waiting for the recommendation of the Mandal Panchayat, the 1st respondent-Zilla Parishat, erred in law in passing the resolution as at Annexure-C to the petition approving the recommendation of the General Standing Committee of the 1st respondent-Zilla Parishat, granting the licence to Smt. Palamma, the 3rd respondent herein.

2. I do not think there is any substance in the contention advanced. First, the learned Counsel for the petitioner, has not pointed out whether there is any legal

right in the petitioner to seek a licence in respect of running a fair-price shop to distribute essential commodities to card holders in informal rationing areas. Secondly, he has failed to point out how or under what provision of law the Mandal Panchayat has acquired a right to make recommendations in regard to grant of licence to run a fair-price shop to the Zilla Parishat. On the other hand, the scheme of the Act is such that under Sec. 182 of the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 (hereinafter referred to as the Act) the Zilla Parishat is empowered to perform certain functions which are really the functions of the State Government but which are delegatable subject to such restrictions and limitations as the State Government by notification may from time to time indicate while delegating such functions. It is the Zilla Parishat which is delegated the task of distributing essential commodities within its jurisdiction under Entry-15 of Sec. 182 of the Act. Nothing in the language of that said entry lends itself to the construction that that function may be discharged by the Zilla Parishat only on the recommendation of the Mandal Panchayat. If General Standing Committee has chosen someone to be the agent of the Zilla Parishat to distribute essential commodities in a particular village, namely, Hanumanthanahalli in Challakere Taluk, Chitradurga District, this Court may not interfere with such choice because what is important is the distribution of essential commodities to the consumers and not the question of who has the right to open fair-price shop under licence.

3. The Zilla Parishat now being the principal, foisted with the responsibility of distributing essential commodities may choose its agents and this Court will not interfere with that right merely because another desired to be such agent.

4. No merit in this petition and it is rejected.