



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE D K SINGH

WRIT PETITION NO. 11853 OF 2024 (GM-RES)

BETWEEN:

1. MANAVA NAGARA AND GRAMINABHIVRUDDHI
SEVA SAMSTHE (R), RAMDAS COMPOUND,
NEAR BASHA COMPLEX,
CHITRADURGA 577501

BY ITS PRESIDENT
NAZRULLA AGE 58 YEARS,
S/O RAHAMATHULLA

2. LOKA KALYANA NAGARA AND
GRAMINABHIVRUDDHI
SEVA SAMSTHE (R)
JOGIMATTI ROAD,
3RD CROSS,
BEHIND SRINGERI MATH,
CHITRADURGA 577501

BY ITS PRESIDENT,
SHAFIULLA AGE 55 YEARS,
S/O SHAIK AHAMED

...PETITIONERS

(BY SRI. PUTHIGE .R. RAMESH, SENIOR ADVOCATE FOR
SRI. SHARIFF, ADVOCATE ALONG WITH
SRI. M.E NAGESH, ADVOCATE)

AND:

1. THE PRL. SECRETARY TO THE SOCIAL
WELFARE DEPARTMENT
M S BUILDING,

Digitally
signed by
VASANTHA
KUMARY B
K
Location:
HIGH
COURT OF
KARNATAKA



BENGALURU
PIN 560001

2. THE COMMISSIONER
SOCIAL WELFARE DEPARTMENT
M S BUILDING,
BENGALURU 560001

3. THE KAIGARIKA ABHIVRUDHI
SEVA SANGHA (R)
1ST MAIN, NEAR WATER TANK,
AZADNAGAR, J J HATTI,
CHITRADURGA 577501

BY ITS PRESIDENT
WASEEM AKRAM
S/O SIRAJULLA
REGISTERED UNDER CO-OPERATIVE
SOCIETY ACT 1960

...RESPONDENTS

(BY SRI. S.H.RAGHAVENDRA, AGA FOR R1 AND R2;
SRI. R.SHASHIDHARA, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL
FOR RECORDS QUASH THE ORDER PASSED BY THE
COMMISSIONER FOR SOCIAL WELFARE DEPARTMENT,
BENGALURU DTD 15.04.2024 IN NO.
SA.KA.NI/SIBBANDHI/LE.SA/CR-10/2023-24 AS PER
ANNEXURE-K, ETC.

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



CORAM: HON'BLE MR. JUSTICE D K SINGH

ORAL ORDER

The present writ petition under Article 226 of the Constitution of India has been filed impugning the order dated 15.04.2024 passed by the Commissioner, Social Welfare Department, Bengaluru, whereby the order made in favour of the petitioners for lifting scrap material of the Social Welfare Department without following the provisions of the Karnataka Transparency in Public Procurements Act, 1999 (for short. 'the KTPP Act') has been cancelled in view of the judgment dated 27.03.2024 passed by the learned Single Judge in W.P.No.9257/2024, directing the State to adhere to the provisions of the KTPP Act while selecting an entity or person for lifting the scrap material.

2. Sri Puthige R Ramesh, learned Senior Counsel appearing for the petitioners, assisted by Sri Shariff, learned counsel submits that the provisions of the KTPP Act are not applicable to the lifting of scrap material and, therefore, cancellation of the earlier order for lifting the scrap material is wholly illegal and arbitrary. He further submits that the judgment dated 27.03.2024 passed in W.P.No.9257/2024 does



not mandate the Government to follow the provisions of the KTPP Act for lifting the scrap material. The impugned order dated 15.04.2024, passed by the Commissioner of the Social Welfare Department, (Annexure-K) is wholly based on the judgment dated 27.03.2024 passed by the writ Court in W.P.No.9257/2024, which is incorrect and therefore, the order impugned is bad in law on this ground itself. It is further submitted that the petitioners were not afforded an opportunity of hearing before canceling the order dated 16.01.2024 and therefore, the order is bad in law.

3. On the other hand, Sri S. H. Raghavendra, learned Additional Government Advocate for the respondent-State submits that initially the order was issued only on the basis of internal communication without obtaining approval from the Government and without following the due process prescribed under the provisions of the KTPP Act. He submits that in W.P.No.9257/2024, the State had specifically undertaken to adhere the provisions of the KTPP Act in selecting an entity/person for lifting the scrap material of the Social Welfare Department by inviting tenders. Learned AGA further submits that the learned Single judge vide judgment dated 27.03.2024,



has directed the State to adhere to provisions of the KTPP Act in selecting entity/person for lifting the scrap. The Government in due deference to the judgment passed by the learned Single Judge has cancelled the earlier order and has invited tenders. As the action is taken by the Government as per the mandate given by the learned Single Judge vide judgment dated 27.03.2024 there is no question of providing an opportunity of hearing to a person who was awarded the work on the basis of internal communication, without having obtained approval from the Government.

4. I have considered the submissions of the learned senior counsel for the petitioners as well as the learned AGA for the respondent-State and perused the material on record.

5. The order dated 27.03.2024 passed by the Co-ordinate Bench of this Court in W.P.No.9257/2024 reads as under:

"3. The learned counsel for petitioner submits that the order passed in favour of the 4th respondent is in blatant violation of the provisions of the Karnataka Transparency in Public Procurements Act, 1999 ('KTPP Act' for short).



4. *Learned Government Advocate, on instructions would submit that without following the provisions of the Act no tender would be called for lifting of the scrap material, which is the subject matter of the petition. He would further submit that what is called in question is only an internal communication between the two departments, which would not project any right or any wrong on the part of the State.*

5. *On the aforesaid submission, directing the State to adhere to the KTPP Act if the scrap material is to be lifter, the petition stands disposed."*

6. A perusal of the aforesaid order makes it evident that the learned single Judge has specifically directed the State to adhere to the provisions of the KTPP Act while selecting the entity or person for lifting the scrap material. Therefore, I find no merit in the contention of the learned Senior Counsel for the petitioners.

7. The order dated 27.03.2024 passed by the learned Single Judge in W.P.No.9257/2024 mandates for following the provisions of the KTPP Act in selecting the person/entity for lifting the scrap material. The order has attained finality. The same has not been challenged by the petitioners or any other individual. Once the order dated 27.03.2024 has attained



finality, the Government is bound to follow the provisions of the KTPP Act in selecting the person/entity for lifting the scrap material of the Social Welfare Department. The petitioners were issued with the order dated 16.01.2024 only on the basis of the internal communication, without following the due process as provided under the KTPP Act and the same has been cancelled and tenders have been called for.

8. The object of the KTPP Act is to ensure transparency, fairness and competitiveness in Government procurement and disposal of scrap material. Unless specifically exempted under law in exceptional circumstances, the State is required to adhere to the procedure prescribed under the Act while dealing with public property, including the disposal of scrap material. The respondent-authorities have, therefore, rightly cancelled the earlier order and initiated a transparent tender process.

9. In view of the above, I find no substance in this writ petition. Accordingly, the writ petition is ***dismissed***.

10. The petitioners however are at liberty to participate in the tender process, if they so choose, and their tenders, if



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submitted, be evaluated as per the relevant tender conditions and the provisions of the KTPP Act.

**Sd/-
(D K SINGH)
JUDGE**

RKA
List No.: 1 SI No.: 3