



CNR: KAHC010531342023

NC: 2026:KHC:42717
WP No. 23105 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 23105 OF 2023 (GM-RES)

BETWEEN:

1. TUMAKURU ZILLA VIKALA CHETHANARA
VIVIDODDESHA SAHAKARA SANGHA NIYAMITA
REGISTERED UNDER CO-OPERATIVE SOCIETIES ACT,
VEERASOUDHA SWATHANTRA
HORATAGARARA SANGHA BUILDING,
BALANAKATTE, J.C. ROAD,
TUMAKURU - 572 101.
REPRESENTED BY ITS
PRESIDENT CHANDRASHKAR H T.
AND SECRETARY H.P. VARADARAJU.

...PETITIONER

(BY SRI. SRIKANTH M P.,ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
TUMKURU DISTRICT.
D.C. OFFICE BUILDING,
TUMAKURU - 572101.
2. THE DISTRICT SURGEON
DISTRICT HOSPITAL
B.H. ROAD, TUMAKURU - 572101.
3. THE COMMISSIONER,

Digitally
signed by
SUMA B N
Location:
HIGH COURT
OF
KARNATAKA



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STATE PHYSICALLY DISABLED PERSONS
COMMISSION, NO.55, ABHAYA COMPLEX,
2ND FLOOR, SLUM CLEARANCE BOARD BUILDING,
RISALDAR STREET, BANGALORE-560 020.

...RESPONDENTS

(BY SRI. M. SRINIVAS KUMAR, HCGP FOR R1 TO 3)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENTS TO CONSIDER THE REPRESENTATION DATED 08.02.2023, 27.09.2023 AND 04.10.2023 MADE TO THE R1 VIDE ANNEX-D, E AND J RESPECTIVELY AND FURTHER DIRECT THE RESPONDENTS TO ALLOT THE PORTION OF THE PROPERTY BELONGING TO THE DISTRICT HOSPITAL, TUMKUR IN OPEN PARTICIPATION AND AUCTION CONSISTING OF INTERESTED PARTIES AND ETC.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. Petitioner, a Society registered under the Co-operative Societies Act, consisting of about 538 members, who are specially abled, is before this Court seeking following reliefs:

"Wherefore, it is respectfully prayed that this Hon'ble Court may be pleased to:-



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(a) Direct the respondents to consider the representations dated 08.02.2023, 27.09.2023 and 04.10.2023 made to the first respondent vide Annexure-D, E and J respectively.

(b) Further direct the respondents to allot the portion of the property belonging to the District Hospital, Tumkur in open participation and auction consisting of interested parties.

(c) Consequential relief or any other appropriate order or direction as this Hon'ble Court deems fit in the facts and circumstances of the case in the ends of justice and equity."

2. Case of the petitioner is that the petitioner-Co-operative Society is desirous of opening vegetable shops, fruit shops or any other shops within the premises of General Hospitals run by the State or controlled by the State or in any public places. Such allotment of places/spaces enabling the petitioner-society to set up shops/stalls would be for overall benefit of its members. It is in this perspective, representations at Annexures- D, E and J were made to the respondent authorities.

3. Learned counsel for the petitioner submits that as and when respondent-State is required to comply with the provisions of Karnataka Transparency in Public



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Procurement Act, 1999, while allotting the public spaces to the general public, while calling for applications for allotment of such spaces, the respondent- State is required to keep in mind the welfare of the specially abled persons as that of the members of the petitioner-Co-operative Society. Therefore, he submits a necessary direction be issued to respondent-State to consider the representations.

4. Heard learned counsel for the petitioner, learned HCGP for respondents and perused the records.

5. Petitioner-Co-operative Society apparently consists of persons who are specially abled persons. Appropriate to refer to Preamble of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for brevity "the Act 1995"), which read as under:-

" An Act to give effect to the Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region".



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6. The aforesaid Proclamation was made at the launch of Asian and Pacific Decade of the Disabled Persons 1993-2002 convened by the Economic and Social Commission for Asian and Pacific Region held at Beijing on 1st to 5th December 1992, to which India is also signatory.

7. Provisions, more specifically, Chapter VI and Chapter VII, of the Act 1995, amongst others, specifically, provides for reservation for the persons with disabilities in the employment and also for preferential allotment of land for certain purposes. Thus, the claim being made by the petitioner-Co-operative Society consisting of persons with special ability is traceable to the said purpose and the specific provisions of the Act. Respondent-State cannot shy away from formulating a scheme while providing for allotment of public largesse to carve out certain portion to be allotted in favour of persons with special ability as that of the members of petitioner herein.



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8. In view of the facts narrated above and the statute provided for it, this Court deems it appropriate to allow the petition directing respondent Nos.1 and 3 to consider the representations of the petitioner, keeping in view the aforesaid observations and the provisions of the Act 1995, referred to above and communicate the scheme or project as the case may be to be formed, in the case of this nature to the petitioner- Co-operative Society and shall also ensure publication of such scheme across the State. Such steps shall be taken as expeditiously as possible to give effect to the purpose and object of the Act 1995.

9. Accordingly, writ petition is **disposed of**.

Sd/-
(M.G.S. KAMAL)
JUDGE

tsn*

List No.: 1 Sl No.: 42