HC-KAR

NC: 2026:KHC:59953
WP No. 30962 of 2026

CNR: KAHC010676412026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 30962 OF 2026 (GM-TEN)

BETWEEN:

1. AKHIL BHARTIYA PARYAVARAN EWAM
GRAMIN VIKAS SANSTHAN,
(REGISTERED UNDER SOCIETIES ACT, 21/1960
VIDE REGISTRATION NO. 222-83-84)
REG OFF: UNIT NO. 116, 1ST FLOOR
HARINARAYAN COMPLEX
EXHIBITION ROAD, PATNA - 800 001
HAVING ITS KARNATAKA STATE BRANCH AT
NO. 23/1-3, (1031/B),
1ST MAIN ROAD, 4TH BLOCK
RAJAJINAGAR, DR. RAJKUMAR ROAD
OPP. STYLE SPA FURNITURE,
BENGALURU - 560 010.
REP. BY ITS AUTHORISED SIGNATORY
AKHILESH KUMAR SINGH
S/O CHANDESHWAR NARAYAN SINGH.

...PETITIONER

(BY MISS. DEEKSHA N. AMRUTHESH, ADVOCATE FOR
SRI. AMRUTHESH N.P, ADVOCATE)

AND:

1. CHIEF COMMISSIONER
MYSURY CITY CORPORATION
NEXT TO BANUMAIAH COLLEGE
SAYYAJI RAO ROAD, AGRAHARA

CHAMARAJPURA, MYSURU - 560 024.

2. DEPUTY COMMISSIONER
MYSURU CITY CORPORATION
NEXT TO BANUMAIAH COLLEGE,
SAYYAJI RAO ROAD, AGRAHARA
CHAMARAJPURA, MYSURU - 570 024.

3. EXECUTIVE ENGINEER
DRAINAGE AND WATER SUPPLY
(WEST DIVISION)
VANI VILAS COMPOUND,
MYSURU MUNICIPAL CORPORATION
K.R.S ROAD, YADAVIRI
MYSURU - 570 020.

…RESPONDENTS

(BY SRI. SKANDA RAO, AGA FOR R2;
SRI. HEMANTH P, ADVOCATE FOR
SMT. GEETHADEVI M. PAPANNA, ADVOCATE FOR
R1 AND R3)

THIS WP IS FLED UNDER ARTICLES AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (I) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE IMPUGNED TENDER NOTIFICATION/TENDER DOCUMENT PERTAINING TO THE YEAR 2026-27, DATED NIL INSOFAR AS IT RELATES TO SL. NO. 29 BEARING IND. NO. DMA/2026-27/SE8526, VIDE ANNEXURE- F ISSUED BY R3 AND CONSEQUENTLY DIRECT THE RESPONDENT NO.3 TO PERMIT THE PETITIONER TO CONTINUE OPERATING AND MAINTAINING THE SUBJECT PAY AND USE TOILET FACILITY, SUBJECT TO SUCH TERMS AND CONDITIONS AS THIS HON'BLE COURT MAY DEEM FIT TO IMPOSE, IN THE INTEREST OF JUSTICE AND EQUITY IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

> *"(i) Issue a writ of certiorari or any other appropriate writ, order or direction, quashing the impugned tender notification/tender document pertaining to the year 2026-27, dated NIL insofar as it relates to Sl. No.29 Bearing Ind. No. DMA/2026-27/SE8526, vide Annexure- F issued by R3 and consequently direct the respondent No.3 to permit the petitioner to continue operating and maintaining the subject pay and use toilet facility, subject to such terms and conditions as this hon'ble court may deem fit to impose, in the interest of justice and equity in the interest of justice and equity.*
>
> *(ii) Issue a writ of mandamus, directing the respondent Nos. 1 to 3 as not to interfere in the working process of the petitioner in maintaining the pay and use toilet at K.S.R.T.C toilet block, near Keshava Iyengar Road, Mysuru Sl.No. 29 as stated in the Annexure - F tender notification, in the interest of justice and equity.*
>
> *(iii) Issue a writ of mandamus, directing the respondent nos. 1 to 3 to consider the representation dated 20.07.2023, vide Annexure -D, given by the petitioner to the respondent and give effect to the petitioner's subsisting entitlement/extended period of operation in respect of the subject pay and use toilet facility up to the year 2027, before taking any action for displacement or fresh allotment of the said facility, in the interest of justice and equity.*

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iv) Grant any other reliefs that this Hon'ble Court deems fit under circumstances of the case, in the interest of equity and justice."

2. The petitioner entered into an agreement dated 01.08.2008 (Annexure-C to the writ petition) for construction and maintenance of the public toilet under a BOOT (Build, Own, Operate, Transfer) arrangement for a period of 15 years at Krishna Iyengar Road, behind KSRTC Toilet Block, Mysuru. Consequent to the expiry of the said period, the respondents have issued the impugned tender notification (Annexure-F to the writ petition).

3. The petitioner had sought for extension of the period on the ground that the period of 15 years had not been completed and during the Covid-19 pandemic the petitioner could not operate the toilet in question. The petitioner filed WP.No.16938/2023. A Co-ordinate Bench of this Court vide order dated 14.08.2026 disposed of the writ petition. The relevant portion of the said order reads as under:

"1. This petition was filed seeking extension of the period of tender notification in terms of which the petitioners were originally granted work order for the purpose of construction of public toilets and to maintain the same under BOOT (Build, Own Operate, Transfer) Scheme.

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2. Though the period of contract was 15 years commencing from 01.08.2008 to 14.08.2023. 18.01.04.08.2008 to August 2022 or 2023. That is the wake of Covid-19 pandemic petitioner could not operate the public toilets. As such, a corresponding extension of the period was sought, non consideration of which resulted in the present petition.

3. This petition has been filed on 31.07.2023. In view of the pendency of the petition for the past three yeas, the purpose for which the petition was failed has worked itself out. Reserving liberty to the petitioner to participate in the tender process as and when the Mysuru City Corporation calls for, petition is disposed of."

4. Thereafter, the present writ petition is filed seeking for the aforementioned reliefs.

5. It is forthcoming that this Court had reserved liberty to the petitioner to participate in the tender process as and when the same is called for by the Deputy Commissioner Mysuru City Corporation - respondent No.2.

6. Learned counsel for the respondents submits that the petitioner has not participated in the tender notified by respondent No.2.

7. Learned counsel for the petitioner submits that the petitioner has instructed that it has participate in the tender process.

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MONNAPPA POONACHA

8. Having regard to the fact that the petitioner had filed the earlier writ petition and the Co-ordinate Bench of this Court had disposed of the same, *inter-alia* noticing that the said writ petition was pending for more than three years and the petitioner having continued to do the work during the said period, the petitioner was granted liberty to participate in the tender process.

9. In view of the order dated 14.08.2026 passed by the Co-ordinate Bench of this Court in WP.No.16938/2023 no further orders are to be passed in the present petition.

10. Accordingly, the present petition stands ***disposed of***.

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(C.M. POONACHA)
JUDGE

PNV
List No.: 1 Sl No.: 48