



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 384 OF 2026 (GM-TEN)

BETWEEN:

MR. ABDUL KHADER,
AGED ABOUT 45 YEARS,
S/O J.K.SARWAR,
OCCUPATION: CLASS ONE (I)
REGISTERED CIVIL CONTRACTOR,
R/O NO.1, AECS LAYOUT,
SANJAY NAGAR MAIN ROAD,
GEDDALAHALLI, VTC,
R.M.V. EXTENSION 2ND STAGE,
BANGALORE DISTRICT - 560 094.

...PETITIONER

(BY SRI. JAVEED S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA,
AMBEDKAR VEEDHI,
BANGALORE - 560 001.

REPRESENTED BY ITS
SECRETARY TO GOVERNMENT.



2. BRUHAT BENGALURU MAHANAGARA PALIKE,
N.R.SQUARE,
BENGALURU - 560 002,
REPRESENTED BY ITS
CHIEF COMMISSIONER.

3. THE EXECUTIVE ENGINEER,
PULIKESHINAGAR DIVISION,
BRUHAT BENGALURU MAHANAGARA PALIKE,
BENGALURU - 560 005.
MR. G THIPPESWAMY.

...RESPONDENTS

(BY SMT.NAVYA SHEKHAR, AGA FOR R1;
SRI.BATHE GOWDA, ADVOCATE FOR R2 AND R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE
RESPONDENT NO.3 TO CONSIDER THE REPRESENTATION
PRODUCED HERewith AS ANNEXURE-J, DATED 06.12.2025,
MADE BY THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The captioned petition is filed alleging inaction on the part of respondents No.2 and 3 in not considering the petitioner's representation dated 06.12.2025 as per Annexure-J.

2. Heard learned counsel appearing for the petitioner, learned AGA appearing for respondent No.1 and learned standing counsel appearing for respondents 2 and 3.

3. The petitioner, a Class-I registered civil contractor, has approached this Court seeking appropriate directions, inter alia, contending that pursuant to a tender notification, he was declared as a successful bidder and had, in compliance with the tender conditions, deposited an Earnest Money Deposit (EMD) of Rs.1,98,000/-. It is the specific case of the petitioner that despite being declared successful, the respondents failed to issue a formal work order. The petitioner would assert that, on the



basis of oral assurances allegedly extended by the local MLA and officials of the respondent-authorities, he was induced to commence the work. Acting upon such representations, the petitioner claims to have executed nearly 60% to 70% of the tendered work, even in the absence of a formal work order. The petitioner has placed on record a representation dated 06.12.2025 (Annexure-J), wherein he has candidly acknowledged that no formal work order was issued, while at the same time asserting that substantial work has already been completed by him under the bona fide belief that the tender would be formally concluded.

4. Per contra, learned Standing Counsel appearing for respondent Nos.2 and 3, on instructions, would submit that the representation submitted by the petitioner is under consideration and that the same will be examined and disposed of in accordance with law within a reasonable timeframe.



5. Having heard the learned counsel appearing for the parties and upon perusal of the material placed on record, this Court finds that the present case discloses a deeply disturbing state of affairs in the functioning of the tendering authority. The records prima facie indicate that though the petitioner was declared as a successful bidder and had complied with the preconditions of the tender by depositing the requisite EMD, the respondents have failed to take the tender process to its logical conclusion by issuing a formal work order. What is more alarming is the assertion of the petitioner prima facie not controverted at this stage that he was permitted, if not encouraged, to commence and substantially execute the work without any formal contractual authorization. Such a practice strikes at the very root of transparency, accountability, and procedural discipline that are integral to public procurement processes.

6. This Court cannot countenance a situation where public authorities, in blatant disregard of established



tender norms, permit execution of public works dehors a formal work order, thereby exposing the State to avoidable financial and legal complications. The conduct of the concerned officials, who appear to have allowed the petitioner to proceed with the execution of work without issuance of a formal work order, reflects gross administrative laxity, if not dereliction of duty. Such acts not only undermine the sanctity of the tender process but also raise serious questions regarding institutional accountability and adherence to rule of law in public administration.

7. In that view of the matter, this Court is of the considered opinion that the grievance of the petitioner as projected in the representation dated 06.12.2025 requires immediate and earnest consideration. Simultaneously, the circumstances under which the petitioner was allegedly permitted to execute substantial work without issuance of a work order warrant a thorough and independent enquiry so as to identify the officers responsible for such



procedural impropriety and to take appropriate disciplinary action in accordance with law.

8. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- i. The writ petition is hereby allowed;
- ii. Respondent Nos.2 and 3 are directed to consider and dispose of the petitioner's representation dated 06.12.2025 (Annexure-J) in accordance with law, by passing a reasoned and speaking order, within a period of eight (8) weeks from the date of receipt of a certified copy of this order;
- iii. Respondent No.2 is further directed to initiate an independent and time-bound enquiry, to be conducted by a senior officer not connected with the subject tender process, to ascertain the circumstances under which the petitioner was permitted to commence and execute the work in the absence of a formal work order;



iv. The said enquiry shall also fix responsibility on the concerned officials who failed to issue the work order despite declaration of the successful bidder and, at the same time, permitted execution of work, and appropriate disciplinary action shall be taken against such officials in accordance with law;

v. Respondent No.2 shall also examine the lapses in not carrying forward the tender notification dated 12.12.2024 (Annexure-B) within the stipulated timeline and take corrective as well as punitive measures to prevent recurrence of such irregularities in future.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE