



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH
DATED THIS THE 21ST DAY OF AUGUST, 2025
BEFORE
THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV
WRIT PETITION NO. 107038 OF 2018 (GM-TEN)**

BETWEEN:

HONNAPPA S/O. SHIVAPPA MALAKARI,
AGE: 44 YEARS, OCC: CLASS-I CONTRACTOR (CIVIL),
R/O. TEJASWI NAGAR, KALAGHATAGI ROAD, DHARWAD.

...PETITIONER

(BY SRI. SHRIHARSH A. NEELOPANT, ADVOCATE)

AND:

1. THE PRINCIPAL SECRETARY,
KARNATAKA PUBLIC WORKS PORTS AND
INLAND WATER TRANSPORT DEPARTMENT,
VIKAS SOUDHA, BENGALURU-560001.
2. THE UNDER SECRETARY,
TO THE GOVERNMENT OF KARNATAKA,
FINANCE DEPARTMENT, (PROCUREMENT CELL),
VIDHAN SOUDHA, BENGALURU-560001.
3. THE PUBLIC RELATION OFFICER & TECHNICAL
ASSISTANT OFFICE OF THE EXECUTIVE ENGINEERS,
KARNATAKA PUBLIC WORKS PORTS AND INLAND
WATER TRANSPORT DEPARTMENT,
DHARWAD DIVISION, DHARWAD.





4. THE ADDITIONAL SECRETARY & DEVELOPMENT
COMMISSIONER, MICRO SMALL AND MEDIUM
ENTERPRISES, "A" WING, 7TH FLOOR,
NIRMALA BHAVAN, NEW DELHI-110108.

5. THE DEPUTY COMMISSIONER,
DHARWAD DISTRICT, DHARWAD.

...RESPONDENTS

(BY SRI. V. S. KALASURMATH, AGA FOR R1, R2 & R5;
SRI. SANJAY S. KATAGERI, ADV. FOR R4;
NOTICE TO R3 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF CONSTITUTION OF INDIA, PRAYING TO ISSUE A
WRIT OR ORDER OR DIRECTION IN THE NATURE OF WRIT OF
CERTIORARI TO QUASH IMPUGNED NOTIFICATION BEARING
NO.FD 130 EXP-12/2015 DATED 08.09.2015 AS PER
ANNEXURE-G PASSED BY THE RESPONDENT NO.2 BY HOLDING
THAT AMENDMENT OF RULE 26 BY KARNATAKA ACT 29 OF
2000 AS UNCONSTITUTIONAL BEING VIOLATIVE OF ARTICLE
14 OF CONSTITUTION OF INDIA AND ISSUE A WRIT OR ORDER
OR DIRECTION IN THE NATURE OF WRIT OF CERTIORARI TO
QUASH IMPUGNED REJECTION OF THE TENDER SUBMITTED BY
THE PETITIONER TO THE KARNATAKA PUBLIC WORKS
DEPARTMENT DHARWAD DIVISION VIDE INDENT NOS.82717,
82722, 80118, 83429, 82730 AND 80638 DATED 11.10.2018,
18.09.2018, 15.09.2018, 15.09.2018, 17.09.2018 AND
09.10.2018 RESPECTFULLY AS PER ANNEXURE -D TO D5 BY
THE RESPONDENT NO.3 AND ETC.

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



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV)

The present petition has been filed seeking for issuance of Writ of Certiorari to quash the notification at Annexure-G dated 08.09.2015. Petitioner has also challenged the rejection of tender submitted by the petitioner at Annexure-D and certain other reliefs are sought for. During the pendency of the proceedings, respondent-State has filed a memo which reads as under;

"MEMO

The counsel for the Respondents in the above case respectfully submits as under:

That in the top noted case, the Petitioner herein has questioned the impugned Notification dated 08.09.2015 passed by the Respondent No.2 vide Annexure-A bearing No.FD 130 Exp-12/2015. Since in the present Writ Petition already detailed statement of objection has been filed but due to urgency, the Respondent/ State has raised a ground that though there is an alternative remedy available to the Petitioner to file an Appeal under Section 16 of the KTPP Act 1999, without availing the alternative remedy, the present Petition is filed before this Hon'ble Court. It is relevant to submit that, since in



view of acceptance of legal tender, the work order has been issued to the concerned contractor in the month of October and November 2018 itself and already the concerned contractor have completed the work order. So the grievance of the Petitioner at this stage cannot be considered. So, in view of the same, the above Writ Petition filed by the Petitioner may liable to be dismissed in the interest of justice and equity."

In light of the assertion of facts that pursuant to the tender notification which is subject matter of challenge in the present proceedings, work order was issued and the work is completed, the relief sought for has been rendered infructuous.

Accordingly, the petition is disposed off as not calling for adjudication. Legal contentions raised are kept open.

Sd/-
(S.SUNIL DUTT YADAV)
JUDGE