

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION NO. 1255 OF 2013

Prakash R. Dharia ... Petitioner
v/s
Municipal Corpn. Of Gr. Mumbai & ors. ... Respondents

Ms.Mamta Sadh along with Mr.Ajay Panicker i/by Ajay Law Associates for the petitioner.

Mrs.Vandana Mahadik for the respondent Corporation.

***CORAM: SMT. VASANTI A. NAIK &
SHRI C. V. BHADANG, JJ.***

DATED : 3RD FEBRUARY 2015

P.C.:

Heard.

By this petition, the petitioner impugns the order of the Deputy Chief Engineer (B.P), Municipal Corporation informing the Municipal Commissioner and all the concerned offices not to accept the fresh proposal from Architect Mr.P.R. Dharia – the petitioner herein, with immediate effect till further orders.

According to the petitioner, who claims to be an Architect holding registration with the Indian Council of Architecture since 1979, the impugned order has been passed by the Deputy Chief Engineer without issuance of show cause notice to the petitioner and without hearing him. According to the petitioner, the

petitioner has been blacklisted by the said order without following the principles of natural justice.

Mrs.Mahadik, the learned counsel for the Corporation, on instructions from the officer of the Corporation who is present in Court, fairly admitted that, before passing the impugned order dated 8th July, 2011 no show cause notice was issued to the petitioner for blacklisting the petitioner and the petitioner was also not heard on the issue of blacklisting. There is also no mention of the grant of an opportunity to the petitioner to show cause against his proposed blacklisting and an opportunity of hearing, in the affidavit in reply filed on behalf of the Corporation.

Since the opportunity to show cause was not afforded to the petitioner before blacklisting him, the impugned order is liable to be quashed and set aside.

Hence, we partly allow the writ petition and quash and set aside the impugned order dated 8th July, 2011.

The Corporation is however free to take action against the petitioner in accordance with law.

Order accordingly. No costs.

(C. V. BHADANG, J.)

(VASANTI A. NAIK, J.)