

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION Nos. 21802 and 21810 OF 2016

Common Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The proceedings under challenge in these writ petitions are the Circulars dated 20.3.2015 and 17.5.2016 whereby the petitioners were blacklisted and prohibited from entering the State of Andhra Pradesh on the ground that they had not obtained a transit pass for entering the State earlier.

Mrs. S. Nanda, learned counsel for the petitioners, would place reliance on **M/s. Erusian Equipment & Chemicals Ltd., vs. State of West Bengal**^[1] and **Raghunath Thakur vs. State of Bihar**^[2], in support of her submission that no person can be black listed without complying with the rules of natural justice; and the petitioners were not afforded the opportunity of being heard before the respondents chose to black list them.

Blacklisting a vehicle from entering the State has serious consequences on the right of the owner of the vehicle to carry on the business within the State of Andhra Pradesh. Even if there is no express provision in this regard, the rules of natural justice would require that a party affected by an order should have the right of being heard and making a representation against the said order. As, admittedly, the respondents have black listed the petitioners without putting them on notice, and without giving them an opportunity of being heard, the proceedings whereby the petitioners were blacklisted are set aside. It is made clear that this order shall not preclude the respondents from putting the petitioners on notice, giving them an opportunity of being heard and thereafter taking action in accordance with law.

Both the writ petitions are disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

3rd August 2016

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Date: 03.08.2016

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[\[1\]](#) (1975) 1 Supreme Court Cases 70

[\[2\]](#) (1989) 1 Supreme Court Cases 229