

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6481 of 2013

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M/S Gumesh Construction and Civil Engineer, through its Proprietor Md. Sayeed Siddiqui S/O Md. Sallauddin, R/O Village:- Purani Bazar, Ramnagar P.S. Ramnagar, Distt. - West Champaran

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, State of Bihar, Patna.
2. Executive Officer, Nagar Panchayat Ramnagar, West Champaran
3. Anand Prakash S/O Not Known, Ward Member, Ward No. 17, Nagar Panchayat, Ramnagar West Champaran
4. The District Magistrate, West Champaran, Bettiah
5. The Deputy Development Commissioner, West Champaran, Bettiah
6. The Nagar Panchayat, Ramnagar, West Champaran

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar No.2, Adv.
For the Respondent/s : Mr. A.C. to G.P.-25

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-01-2017

Heard learned counsel appearing for the parties.

2. In the present case, issue has been raised that the petitioner establishment has been blacklisted without giving any notice.

3. The petitioner is a registered contractor and undertakes different work of contractorship, but it was found that the petitioner establishment has not properly performed the contract work of



P.C.C. road and drainage in Ward No.17 even after the period of time for completing the said work was extended two times. On account of non-completion of work, as per the claim of the Corporation, the notice was given to the petitioner establishment as to why it should not be blacklisted and thereafter the petitioner establishment was blacklisted for its wrong act.

4. Learned counsel for the petitioner has submitted that before blacklisting the petitioner establishment, the Municipal Corporation has never given any notice or show cause and without following the procedure of natural justice, the petitioner establishment has been blacklisted.

5. Learned counsel for the Corporation has submitted that it is not the correct fact that the petitioner establishment was not given any notice, but the fact is that the petitioner establishment was given the notice but the petitioner establishment refused to accept the same.

6. In the counter affidavit, the Municipal Corporation has not brought any material to show that it has given any notice prior to blacklisting the petitioner establishment, but the letter dated 13.12.2012, annexed as Annexure-B to the counter affidavit,



indicates that the petitioner establishment was found involved in certain illegalities and thereafter the Municipal Corporation has taken the decision for blacklisting the petitioner establishment. Apart from that, there is no material to indicate that the petitioner has ever given any notice or any show cause prior to blacklisting.

7. In such view of the matter, the impugned order containing memo No.166 dated 27.02.2013 is not sustainable in law and the same is accordingly set aside. If the Municipal Corporation still feels that the petitioner establishment requires to be blacklisted, the Municipal Corporation will be at liberty to take action in accordance with law.

8. With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	13.01.2017
Transmission Date	

