

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.W. NO.1536/2018
IN
WRIT PETITION NO.3026/2018
 Deepak S/o Locharam Uttradhi
 ..Vs..
 Municipal Council, Akot

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri M.I. Dhattrak, Advocate for the petitioner.
 Shri P.P. Deshmukh, Advocate for the respondent.
 Shri U.J. Deshpande, Advocate for the applicant / intervenor.

CORAM : B.P. DHARMADHIKARI AND Z.A.HAQ, JJ.
DATED : 6.7.2018.

For the reasons stated in the application, the applicant is permitted to participate in the proceedings as respondent. The civil application is **allowed**. No costs.

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Heard.

Grievance of the petitioner is that the order granting contract in favour of the petitioner is cancelled by the Collector unilaterally without granting any hearing to the petitioner. After hearing the learned Advocates for the respective parties, we find that the administrative approval granted by the Collector for allotting contract is cancelled pursuant to the report submitted by the Deputy Collector, which report is submitted in view of complaints received from ex Vice-President of Municipal Council, Akot. As the administrative approval itself is cancelled, the order awarding

contract to the petitioner is cancelled.

In our view, in normal course, there is no need to grant hearing to the concerned person if administrative approval is withdrawn or cancelled, however, in the present case as third party rights were created and order was issued in favour of the petitioner, principles of natural justice should have been complied with and Collector should have granted hearing to the petitioner before withdrawing / cancelling the administrative approval.

Considering the facts of the case, in our view, following order would sub-serve the ends of justice:

The impugned order is set aside.

The matter is remitted back to the Collector with direction that the Collector shall hear the parties and pass appropriate orders.

The respondents are permitted to proceed with tender process, however, the same shall not be finalized until further orders are passed by the Collector.

The petitioner will be at liberty to participate in the fresh tender process and if he opts for it, it will be without prejudice to his rights and contentions. The interim order granted by this Court on 25th May, 2018 shall continue until further orders are passed by the Collector.

The petition is **allowed** in the above terms.

No costs.

JUDGE

JUDGE