



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.07.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .Nos.11703 to 11706 of 2021

and

W.M.P. (MD) .Nos.9204, 9209, 9210, 9212 & 9213 of 2021

Abdul Muthaleef	... Petitioner in W.P.(MD)No.11703 of 2021
Baluchamy	... Petitioner in W.P.(MD)No.11704 of 2021
Kandan	... Petitioner in W.P.(MD)No.11705 of 2021
P.Shajahan	... Petitioner in W.P.(MD)No.11706 of 2021

Vs.

1.The Director,
Directorate of Panchayat and Rural Development,
Chennai.

2.The District Collector,
Madurai District,
Madurai.

3.The Commissioner,
Kotampatti Panchayat Union,
Melur Taluk,
Madurai.

... Respondents in all WPs

Common Prayer: Writ petitions filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, calling for the records relating to the impugned order of blacklisting of the petitioners made by the third respondent in his proceedings in Na.Ka.No.855/2021/A2, dated 05.05.2021 and quash the same as illegal.

For Petitioners : Mr.M.Mahaboob Athiff (in all WPs)

For R1 & R2 : Mr.M.Lingadurai
Government Advocate (in all WPs)

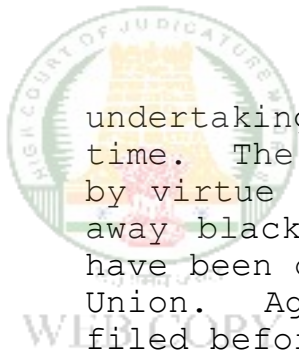
For R3 : Mr.B.Saravanan (in all WPs)

COMMON ORDER

On consent given by either side, the main Writ Petitions are taken up for final hearing.

2. The issue involved in all these Writ Petitions are common and hence, they are taken up together, heard and disposed of through this common order.

3. The petitioners are registered contractors, who are



undertaking works in the third respondent Panchayat Union for a long time. The grievance of the petitioners is that the third respondent by virtue of the impugned proceedings dated 05.05.2021 has straight away blacklisted all the petitioners and thereby, the petitioners have been disabled from taking any contract works from the Panchayat Union. Aggrieved by the same, all these Writ Petitions have been filed before this Court.

4. Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioners, Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 and 2 and Mr.B.Saravanan, learned counsel takes notice for the third respondent.

5. It is seen from records that the third respondent has straight away passed the order blacklisting the petitioners without issuing any notice to the petitioners and without affording any opportunity. It is now a well settled law that blacklisting a contractor results in civil consequences and hence, such an order cannot be passed without affording opportunity to the concerned person. Useful reference can be made to the Judgment of the Hon'ble Supreme Court in the case of **Joint Action Committee of Air Line Pilots' Association of India (ALPAI) and others Vs. Director General of Civil Aviation and others** reported in (2011) 5 SCC 435 and in the case of **Gorkha Security Services Vs. Government (NCT of Delhi) and Others** reported in (2014) 9 SCC 105.

6. In view of the above, the impugned proceedings issued by the third respondent stands vitiated, since it is in violation of principles of natural justice. Therefore, the impugned proceedings of the third respondent requires the interference of this Court and accordingly, the same is quashed.

7. If the third respondent wants to initiate proceedings against the petitioners for blacklisting them, it is left open to the third respondent to issue a proper notice to the petitioners and call for their explanation and after affording them opportunity, orders can be passed strictly in accordance with law.

8. All these Writ Petitions are allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

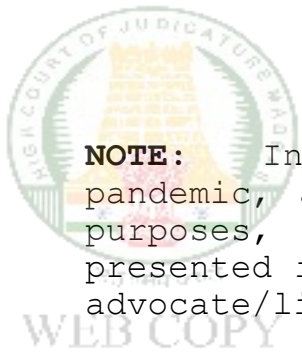
Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director,
Directorate of Panchayat and Rural Development,
Chennai.

2.The District Collector,
Madurai District,
Madurai.

3.The Commissioner,
Kotampatti Panchayat Union,
Melur Taluk,
Madurai.

+1 CC to M/s.SPL GP (SR-22652[F] dated 15/07/2021)

W.P. (MD) .Nos.11703 to 11706 of 2021

Dated :14.07.2021

RK(23.07.2021) 3P 5C