

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2901 OF 2022

Sanjay Narayanrao Tandale
and another

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Shivprasad G. Jadhavar, Advocate for the Petitioners.
Shri A. R. Kale, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 29TH MARCH, 2023.

FINAL ORDER :

. Heard.

2. The challenge is to the order dated 10th March, 2021 on the ground that the petitioners are black listed by the order of the Collector on the ground that the petitioners have failed to execute the work and committed misappropriation of public property. It is the case of the petitioners that neither notice, nor opportunity of hearing was afforded before passing the impugned order.

3. The learned Assistant Government Pleader has tried to substantiate claim based on the report of the vigilance committee as referred to in the impugned order.

4. We have appreciated the said submissions.

5. Since the order of black listing and issuing directions not to permit the petitioners to execute public works under Government scheme is detrimental to the interest of the petitioners having adverse civil consequences, it was expected of the Collector to issue show cause notice and make available adverse material to the petitioners. Only after giving opportunity of hearing to the petitioners order could have been passed. Since the order impugned suffers from non compliance of principles of natural justice, same cannot be sustained in law. The issue is squarely covered by the judgment of the Apex Court in the matter of **M/s Erusian Equipment and Chemicals Ltd. Vs. State of W. B. and another** reported in ***AIR 1975 SC 266***.

6. In view of above order impugned is quashed and set aside to the extent of petitioners. However, it shall be open for the respondent/Collector Beed to initiate fresh action by affording opportunity of hearing to the petitioners. The writ petition is allowed in above terms.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE , J.]

bsb/March 23