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

907 WRIT PETITION NO.13103 OF 2023

**NATHRAO BABURAO GHULE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND ANOTHER**

....

Mr J. M. Murkute, Advocate for Petitioner;
Mr S. K. Tambe, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 3rd November, 2023

PER COURT:

1. The Petitioner has put forth prayer clauses (B) and (C), which read as under :-

“B) The order No.JUC/GAKA/Kali Yadi/Kavi/1129/2021 dated 10/03/2021 passed by the District Collector Beed may kindly be quashed and set aside.

C) Pending hearing and final disposal of this writ petition the order No.JUC/GAKA/Kali Yadi/Kavi/1129/2021 dated 10/03/2021 passed by the District Collector Beed may kindly be stayed.”

2. The impugned order dated 10/03/2021, passed by Respondent No.2/Collector has already been quashed and set

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aside to the extent of the Petitioners in Writ Petition No.2901/2022 (Sanjay Narayanrao Tandale and another Vs. State of Maharashtra and others) by this Court (Coram : Nitin W. Sambre and S. G. Chapalgaonkar, JJ.) vide the order dated 29/03/2023.

3. It is undisputed that the Petitioner is one of the 126 Societies, who have been blacklisted on the allegation that, they have failed to execute the work and have also committed misappropriation of the public funds/properties. It is equally undisputed that the Petitioner was not issued with any notice for granting an opportunity of hearing before the impugned order, blacklisting the Petitioner, was passed.

4. The learned A.G.P. has tried to support the impugned order on the basis of the report of the Vigilance Committee, which finds a reference in the impugned order.

5. The issue of blacklisting an entity and restraining it from executing public works under the various schemes of the Government, is prejudicial to the interest of such entity. It has drastic consequences and such orders cannot be passed without adhering to the principles of natural justice. The law laid down

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by the Hon'ble Supreme Court in **M/s Erusian Equipment and Chemicals Ltd. Vs. State of West Bengal and anoher**, AIR **1975 SC 266**, would apply to this case.

6. In view of the above, **this Writ Petition is partly allowed**. The impugned order is set aside to the extent of the present Petitioner. The Collector/Chairman of the '*Jalyukta Shivar Samiti*' would be at liberty to initiate fresh action by following the due procedure laid down in law, and by affording a reasonable opportunity of hearing to the Petitioner.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk