



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1142 OF 2023

[Vaibhav Raghunath Malwar ..V/s.. The State of Maharashtra and Ors.]

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

Court's or Judge's order

Shri S. M. Vaishnav, Advocate for Petitioner.
 Smt N. P. Mehata, Addl. GP for Respondent No.1.
 Shri M. G. Rathi, Advocate for Respondent Nos.2 to 4.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : 2nd NOVEMBER, 2023.

1. **Rule.** Rule made returnable forthwith and heard the learned counsel for the parties.

2. It is the case of the petitioner that pursuant to tender notice issued by the 5th respondent – Gram Panchayat on 22.06.2022, work order was issued to the petitioner in respect of thirteen works. Pursuant to that work order dated 25.07.2022, the petitioner commenced the said thirteen works. However without giving any prior notice to the petitioner, the 3rd respondent – Block Development Officer on 04.01.2023 proceeded to cancel the said work orders. Being aggrieved with that the petitioner has challenged the aforesaid action.

3. The learned counsel for the petitioner submits that without complying with the principles of natural justice, the Block Development Officer has proceeded to cancel the work orders. Since such work orders were issued in favour of the petitioner he ought to have been heard before taking any action resulting in civil consequences. The ground in that regard has been specifically raised in the writ petition.

4. The learned counsel appearing for respondent Nos.2 to 4 opposes

the writ petition on the ground that since complaints were received through public representatives such action has been taken up.

5. We find from the record that the impugned communication has been issued without any due notice to the petitioner. The same has been in fact addressed to the Sarpanch/Secretary of the Gram Panchayat which in effect results in cancellation of the work orders issued to the petitioner. Since the petitioner had been issued such work orders rights were created in his favour. If those rights were to be taken away, the same could have been done after complying with the principles of natural justice. On this short ground the impugned communication dated 04.01.2023 is liable to be set aside.

6. Accordingly the following order is passed :

i) Communication dated 04.01.2023 issued by the Block Development Officer is set aside as it has been issued in breach of principles of natural justice.

ii) In case the respondent Nos.2 to 4 seek to take any action against the petitioner, they are free to do so after complying with the principles of natural justice and giving due opportunity to the petitioner. If any action is proposed against the petitioner, same shall be initiated by following the principles of natural justice within a period of fifteen days from today.

iii) Till the conclusion of such proposed action the execution of the work orders shall remain in abeyance.

7. Rule is made absolute in aforesaid terms. No costs.

(ABHAY J. MANTRI, J.)

(A. S. CHANDURKAR, J.)