

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

WRIT PETITION 2120 OF 2020

Petitioner : Jagdish N. Kela,
Aged about 60 Years, Occupation : Business,
R/o Khoja Layout, Tar Bazar, Katol, Tal. Katol,
District Nagpur (Pin - 441302).

– Versus –

Respondents : 1. The Directorate of Municipal Administration,
Through its Commissioner/Director,
Mantralaya, Mumbai.

2. The Divisional Commissioner,
Nagpur Division, Nagpur.

3. The Collector, Nagpur.

4. The Municipal Council, Katol,
Through its Chief Officer, Katol.

5. Ms. Vaishali Dilip Thakur,
The President, Municipal Council, Katol.

6. The State of Maharashtra,
Through its Secretary,
Urban Development Department, Mantralaya,
Mumbai.

7. Abdul Nazim Khan,
Aged Major, Occupation – Business,
R/o Near Railway Station, Main Road, Katol.

Mr. C.B. Dharmadhikari, Advocate for the Petitioner.
Mr. M.K. Pathan, A.G.P for Respondents 1 to 3 and 6.
Mr. M.I. Dhatrak, Advocate for Respondent 4.
Mr. M.P. Khajanchi, Advocate for Respondent 5.

CORAM: ROHIT B. DEO AND M.W. CHANDWANI, JJ.

DATE : 20th JUNE, 2023.

J U D G M E N T : (Per Rohit B. Deo, J.)

Rule. Rule made returnable forthwith. Heard finally by consent of the learned Counsel appearing for the parties.

02] While several reliefs are sought in the petition *inter alia* that the development of playground near Tirupatti Sabhagruh in Laxminagar, Katol be stopped, learned Counsel Mr. C.B. Dharmadhikari for the petitioner submits on the basis of instructions received that for the present, the challenge is restricted to Clause (6) of the Resolution dated 07/06/2019 purporting to blacklist the petitioner.

03] Mr. Dharmadhikari would submit that there is no rebuttal from the respondents that the order of blacklisting the petitioner is passed without hearing the petitioner.

04] We, therefore, quash the order of blacklisting. We clarify that it is open for the respondents to issue notice, hear the petitioner and pass fresh order, if so advised.

05] The other grievance of the petitioner is that payment for the work done is not received. We are not inclined to look into the contractual dispute. If the petitioner is aggrieved by the refusal of the respondents to pay for the contractual work executed, it is open for the petitioner to seek appropriate remedy in the Civil Court. To that extent, the contentions in the petition are kept open.

06] The petition is disposed of in the aforesaid terms. Rule accordingly with no order as to costs.

(M.W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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