

04.07.2024
Sl.No.1
Ct. No.15
S.A.

WPA 23257 of 2022

Madhu Ghosh

-vs-

The Chandannagore Municipal Corporation & Ors.

Mr. Raghunath Chakraborty

...for the petitioner

Mr. Suman Basu

...for Chandannagore Municipal
Corporation

The petitioner was granted a lease for operation of ferry service from Rani Ghat to Jagatdal Ghat under Chandannagore Municipal Corporation .

The petitioner, however, was blacklisted by the Corporation by an order dated September 22, 2022. The blacklisting order debarred him from participating in any tender/lease/bidding.

Challenging the order of blacklisting, the petitioner filed this writ petition before this Court alleging, inter alia, that the order of blacklisting was passed without affording any opportunity of hearing to him. During pendency of this writ petition, this Court granted leave to the Corporation to hear the petitioner and pass necessary orders.

In compliance with the said order, the Municipality afforded an opportunity of hearing to the petitioner and by an order dated January 29, 2024, confirmed the earlier order of blacklisting.

The original blacklisting order dated September 22, 2022, blacklisted the petitioner from participating in any tender/lease/bidding “until further order with immediate effect”.

I am of the view that an order of blacklisting cannot remain in force for an indefinite period. The authority should have specified the period for which the petitioner has been blacklisted. The period of blacklisting should depend upon the gravity of allegations.

I find substance in the submission of the petitioner that at no point of time the petitioner was given a show cause notice disclosing the allegations levelled against him.

Learned advocate appearing for the Corporation submits that the petitioner was well aware of the allegations made against him from the affidavit-in-opposition filed by the Municipality in this matter. Therefore, again, issuance of a show cause notice disclosing the allegation was redundant.

I am unable to accept such contention. Affidavit-in-opposition filed in response to the allegations made in the writ petition cannot be equated with a show cause notice. The petitioner should have been formally informed about the nature of allegations leveled against him and he should have been given a due opportunity to deal with such

allegations, and only thereafter, the order should have been passed.

In the aforesaid facts, I grant liberty upon the Corporation to issue a show cause notice to the petitioner within a period of seven days from the date of communication of this order. The petitioner will be at liberty to give reply to the show cause within a period of two weeks to the Municipality. The Corporation shall again afford an opportunity of hearing to the petitioner to conclude the proceedings within a period of one month thereafter.

In the light of the observations made in the order, **WPA 23257 of 2022** is disposed of.

(Kausik Chanda, J.)