



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO. 739 OF 2024

RAJHARSHEE MAJOOR SAKHARI SANSTHA AND OTHERS
....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

.....Respondents

.....

Mr. Jadhavar Shivprasad G., Advocate for the Petitioner
Mr. S. D. Ghayal, AGP for the Respondents-State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRADE, JJ.

DATE : 23rd January, 2024

ORDER:

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

“B) By issuing writ of certiorari or any other appropriate writ, order or direction in the like nature, the impugned order No. Jushi/DAO/Blacklist/KV/2020-4823, dated 16.12.2020 passed by the respondent No.2 place the name of petitioners on black list may kindly be quashed and set aside to the extent of petitioners in the interest of justice pass necessary order.

C) Pending the hearing and final disposal of this writ petition the impugned order No. Jushi/DAO/Blacklist/

KV/2020-4823, dated 16.12.2020 passed by respondent No.2 place the name of petitioners on black list may kindly be stayed to the extent of petitioners in the interest of justice.”

2. The impugned order dated 16.12.2020, passed by Respondent No.2/Collector has already been quashed and set 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 Petitioners are some of the 26 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 Petitioners were not issued with any notice for granting an opportunity of hearing before the impugned order, blacklisting the Petitioners, 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 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 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 Petitioners. 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 Petitioners.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan