



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3295 OF 2024

Gajanan Majoor Sakhari Sanstha Through Its Chairman
VERSUS
The State Of Maharashtra Through Its Principal Secretary And Others

26 WRIT PETITION NO. 3318 OF 2024

Ms Nath Construction Shrihari Vithalrao Munde And Others
VERSUS
The State Of Maharashtra Through Its Principal Secretary And Others

Mr. S. G. Jadhavar, Advocate for the Petitioner
Mr. A. A. A. Khan and Mr. R. K. Ingole, AGPs for the Respondent/State

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 1st April, 2024

PER COURT :-

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 vide its No. JUC/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 petitioner in the interest of justice pass necessary order.

C) Pending the hearing and final disposal of this writ petition the impugned order vide its 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 quashed and set aside to the extent of petitioner may kindly stayed in the interest of justice."

2. The impugned order dated 16th December, 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 29th March, 2023.

3. It is undisputed that the Petitioners are some of the 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 another*, AIR 1975 SC 266, would apply to these cases.

6. In view of the above, **these Writ Petitions are 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.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp