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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

50 WRIT PETITION NO. 3607 OF 2024

**RUSHIKESH MAJOOR SAKHARI SANSTHA LTD
SAWLESHWER, THROUGH ITS CHAIRMAN**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

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Mr S. G. Jadhavar, Advocate for Petitioner;
Mr A. A. A. Khan, A.G.P. for Respondents/State

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

DATE : 8th April, 2024

PER COURT:

1. The Petitioner has 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 vides its 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 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

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passed by respondent No.2 place the name of petitioners on black list may kindly be stayed and set aside to the extent of petitioners may kindly stayed in the interest of justice."

2. The impugned order dated 16/12/2020, passed by Respondent No.2/ District Collector, Beed 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 Petitioner is one of the 26 Societies, who has been blacklisted on the allegation that, it has failed to execute the work and has also committed misappropriation of the public funds/properties. It is equally undisputed that the Petitioner was not issued with any notice for granting an opportunity of hearing before the impugned order, blacklisting it, 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 : (1975) 1 SCC 70**, 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 Petitioner. The Collector, Beed/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 Petitioner.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

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