



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 WRIT PETITION NO. 5293 OF 2024

SHRI MANMATH SWAMI MAJOOR SAHAKARI SANSTHA MARYADIT
MAJALGAON THROUGH ITS CHAIRMAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

47 WRIT PETITION NO. 5335 OF 2024

SHRI GURU CHANDRASHEKHAR MAJOOR SAHAKARI SANSTHA MARYADIT
MAJALGAON THROUGH ITS CHAIRMAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Kalaskar Sumit Sadashivrao

AGP for Respondents/State : S/Shri S.K. Tambe & B.M. Dhanure

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

DATE : 10th June, 2024

PC. :-

1. The Petitioners are identically placed. In similar circumstances this Court passed an order dated 29.01.2024, in Writ Petition Nos.1066/2024 and 1067/2024. The relevant observations of this Court, in paragraph nos.2 to 6, vide order dated 29.01.2024, read as under:

“2. The impugned order dated 10/03/2021, 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 126 Societies, who have been blacklisted on the allegation that, they have failed to execute the work properly and have also committed misappropriation of 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 the various schemes of the Government, is prejudicial to the interest of such entity and the public at large. 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, 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."*

2. There is no dispute that the Petitioners would be covered by the above re-produced order.

3. In view of the above, **these Writ Petitions are partly allowed.** The impugned orders are set aside to the extent of these 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.]