



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

WRIT PETITION NO. 10185 OF 2024

**VILAS MAJOOR SAHKARI SANSTHA LTD THROUGH ITS
CHAIRMAN DHANRAJ GINAYANDEO KHEDKAR**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. R. R. Imale, Advocate h/f Mr. S. G. Jadhavar, Advocate for the
Petitioner

Mr. S. K. Tambe, AGP for the Respondent – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 19.09.2024

PER COURT :-

1. The Petitioner has put forth prayer clauses (B) and
(C), as under:-

“[B] By issuing writ of certiorari or any other appropriate writ, order or direction in the like nature, the impugned order dated 10-03-2021 passed by the respondent No.2 president Jalyukt Shivar Samiti Beed place the name of petitioner 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 dated 10-03-2021 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 may kindly stayed in the interest of justice.”

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 Petitioner is one of the 129 Societies, who have been blacklisted on the allegation that, it has failed to execute the work properly and has also committed misappropriation of 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 the Petitioner, was passed. The name of the present Petitioner is mentioned at serial No.49, in the impugned order dated 10.03.2021.

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 order 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. 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 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/Chairman of the 'Jalyukta Shivar Samiti' would be at liberty to initiate fresh action against the Petitioner by following the due procedure laid down in law, and by affording a reasonable opportunity of hearing to the Petitioner.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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