



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4170 OF 2024

(Jinisha Matsya Vyavasaya Sahakari Sanstha Maryadit, Raulgaon,
Taluka Kalmeshwar, District Nagpur

Vs.

The State of Maharashtra, Thr. Its Secretary Department of Fisheries,
Mantralaya, Mumbai-32 & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. R.V. Gahilot, Advocate for the Petitioner.
Mr. N.S. Autkar, AGP for the Respondents/State.

CORAM: N.R. BORKAR, J.

DATED : 15th JULY, 2024

Heard.

2. Mr. A.M. Ghare, learned Counsel submits that, he has returned the brief to the Petitioner and his appearance on behalf of the Petitioner be discharged. Mr. Gahilot, learned Counsel submits that, he has already filed Vakalatnama on behalf of the Petitioner. In that view of the matter, appearance of Mr. A.M. Ghare, on behalf of the Petitioner is hereby discharged.

3. The Petitioner is a Co-operative Society, registered under the provisions of Co-operative Societies Act, 1960. On 30.05.2022, Respondent No.2 granted lease of fishing rights in Mordham Tank in favour of the Petitioner/Society for period of five years.

4. By the order impugned dated 09.06.2024, the Respondent No.2 has cancelled the said lease and black listed the Petitioner for six years in view of breach of one of the lease conditions.

5. On instructions, the prayer in relation to cancellation of lease of fishing rights is not pressed.

6. The learned Counsel for the Petitioner submits that, the impugned order to the extent of black listing the Petitioner for the period of six years cannot be allowed to stand as the same is passed in utter violation of principles of natural justice. It is submitted that, no show cause notice was given before black-listing the Petitioner.

7. The Hon'ble Supreme Court in ***Raghunath Thakur Vs. State of Bihar and ors, AIR 1989 SC 620*** has held:

“Indisputably, no notice had been given to the appellant of the proposal of black-listing the appellant. It was contended on behalf of the State Government that there was no requirement in the rule of giving any prior notice before black-listing any person. In so far as the contention that there is no requirement specifically of giving any notice is concerned, the respondent is right. But it is an implied principle of the rule of law that any order having civil consequence should be passed only after following the principles of natural justice. It has to be realised that black-listing any person in respect of business ventures has civil consequence for the future business of the person concerned in any event. Even if the rules do not express so, it is an elementary principle of natural justice that parties affected by any order should have right of being heard and making representations against the order. In that view of the matter, the last portion of the order in so

far as it directs black-listing of the appellant in respect of future contracts, cannot be sustained in law. In the premises, that portion of the order directing that the appellant be placed in the black-list in respect of future contracts under the Collector is set aside.”

8. Considering the fact that, no show cause notice was given before black-listing the Petitioner, the order impugned to that extent cannot be allowed to stand and the same is hereby quashed and set aside.

9. The Petition is **disposed** of in the above terms. No costs.

10. Pending application/s, if any, shall stand disposed of accordingly.

(N.R. BORKAR, J.)