

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11643 OF 2025

Ajaykumar Bhojappa Ghodake.

...Petitioner.

Versus

The State of Maharashtra and Others.

...Respondents.

Mr. Bhushan Walimbe, Mayank Tripathi and Mr. Vaibhav Arage for Petitioner.

Mr. S. B. Kalel, AGP for Respondent-State.

Mr. Vishwanath Patil and Mr. Someshwar M. Wale for Respondent Nos.2 to 4.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : November 6, 2025.

Oral Order (Per M. S. Karnik, J.):

1. Heard learned Counsel for the Petitioner. Learned Counsel for the Respondent Nos.2 to 4 vehemently opposed the petition. He tendered affidavit-in-reply, which is taken on record.
2. Mr. Patil, learned Counsel for the Respondent-Corporation submits that despite giving several opportunities, the Petitioner who is a registered government contractor failed to repair the roads and fill in the potholes. Our attention is invited to the final notice dated 26th June 2025 given to the Petitioner wherein it is stated that in case the Petitioner fails to complete the repair work of road, the same will be completed through another contractor and as a consequence, the

deposit made by the Petitioner will be forfeited. It is further stated in the said communication that name of the Petitioner will be recommended to the Commissioner for blacklisting. The Petitioner by his response dated 2nd July 2025 indicated that it is not possible to complete the road repair work immediately due to rainy season and as soon as there is a dry-spell, the repair work will be carried out expeditiously.

3. Learned Counsel for the Petitioner submits that Petitioner is visited with the serious consequence of blacklisting without giving him an opportunity to defend and the same is in breach of the principles of natural justice. On the other hand, it is the contention of learned Counsel for the Respondent-Corporation that communication dated 26th June 2025 is a show cause notice to the Petitioner.

4. We are not in agreement with Mr. Patil, learned Counsel for the Respondent-Corporation that the communication dated 26th June 2025 is a show cause notice calling upon the Petitioner to explain as to why he should not be blacklisted. The communication dated 26th June 2025, in our opinion, is for the purpose of calling upon the Petitioner to carry out the repair works and if the Petitioner fails to carry out such repairs, his name would be recommended to the Commissioner for the purpose of blacklisting.

5. Learned Counsel for the Respondent-Corporation submitted that the Petitioner has approached the Civil Court by filing a suit, and for the same cause of action it is not open for the Petitioner to file writ petition in this Court. Learned Counsel for the Petitioner submitted that said suit has been withdrawn by the Petitioner on 3rd November 2025. Our attention has been invited to the *pursis* filed in the said suit at Exhibit 21 wherein the Petitioner has clearly mentioned that suit is being withdrawn in view of the writ petition that has been filed before this Court.

6. In our opinion, as the order of blacklisting has been passed in breach of the principles of natural justice, the filing of suit and the consequent withdrawal of suit for the reason that writ petition is filed before this Court, cannot be a reason to bar the Petitioner from invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India.

7. Accordingly, the impugned resolution dated 18th July 2025, copy of which is at page-64 of the petition and the subsequent communication dated 26th June 2025, copy of which is at page No. 75 informing the Petitioner that he has been blacklisted is hereby quashed and set aside.

8. It is open for the Respondents to issue show cause notice to the Petitioner and follow the principles of natural justice before issuing

any order of blacklisting.

9. It is made clear that we have not made any observations on the merits of the contentions of respective parties.

10. Writ Petition stands disposed of.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]