



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

WRIT PETITION NO. 4731 OF 2024

- M/s A.R.Construction through its Partners,
1. Rajnish Paspati Tiwari,
aged 30 years, Occ. Business,
R/o Khaparkheda, Tah. Saoner,
Dist. Nagpur
 2. Mohammad Arif Mustafa Qureshi,
Aged about 32 years, Occ. Business
R/o Khaparkheda, Tah. Saoner,
Dist. Nagpur.

...Petitioners

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1. The State of Maharashtra, through its Secretary,
Department of Rural Development, Mantralaya,
Mumbai-32
2. The Chief Executive Officer,
Zilla Parishad, Nagpur
3. Block Development Officer, Grampanchayat
Chicholi (Khaparkheda), Panchayat Samiti
Saoner, Tq. Saoner, District Nagpur
4. The Grampanchayat Chicholi (Khaparkheda),
through its Sarpanch, Chicholi (Khaparkheda),
Panchayat Samiti Saoner, Tq. Saoner, Dist.
Nagpur
5. The Grampanchayat Chicholi (Khaparkheda),
through its Secretary, Chicholi (Khaparkheda),
Panchayat Samiti Saoner, Tq. Saoner, Dist.
Nagpur
6. Prabhakar B. Bhurkunde,
Age Major, Occ. Business
R/o Khaparkheda, Tq. Saoner, Dist. Nagpur

... Respondents

Shri Mohd. Ateeque Abdul Mushtaque, Advocate for the petitioners.
Shri G.S.Umale, AGP for the respondent/State.
Shri P.K.Raulkar, Advocate for the respondent no.2.
Shri G.B.Hemke, Advocate for the respondent nos. 4 and 5.

**CORAM : SMT. M.S.JAWALKAR &
PRAVIN S. PATIL, JJ.**

DATED : 7th JULY, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.

2. By this petition, it is the submission of the petitioners that respondent nos. 4 and 5 by its resolution dated 27th February, 2023 blacklisted the petitioners from carrying out the work in next three years and in pursuance of same issued impugned order dated 1st March, 2023. According to petitioner, impugned order being *prima facie* illegal and issued by violating the principles of natural justice, same is liable to be quashed and set aside.

3. It the specific submission of the petitioner that respondent - Gram Panchayat while considering the issue of blacklisting do not follow any due procedure nor any hearing opportunity was given to the

petitioner. It is further stated that impugned action is politically motivated. In the meeting of Gram Panchayat though the subject was not on agenda, the issue was taken up in the meeting and thereby with pre-determined resolved to black-list the petitioner for next three years and thereby debarred him to participate any tender process of Gram Panchayat.

4. The learned counsel appearing for the Gram Panchayat attempted to point out that while the petitioner was carrying out the construction work, the notices were given to him on 7th September, 2022, 30th September, 2022 and 10th November, 2022 stating that he has not supplied the construction material which is causing hurdle in construction work and therefore according to him the same are sufficient to blacklisting the petitioner for a period of three years.

5. Learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court in the case of M/s Erusian Equipment and Chemicals Ltd. Vs. State of W.B. and another reported in AIR 1975 SC 266, wherein Hon'ble Supreme Court has specifically observed in paragraphs 15 and 20 as under:

“15.The blacklisting order does not pertain to any particular contract. The blacklisting order involves civil consequences. It casts a slur. It creates a barrier between the persons blacklisted and the Government in the matter of transactions. The blacklists are "instruments of coercion".

16 to 19.....

20. Blacklisting has the effect of preventing a person from the privilege and advantage of entering into lawful relationship with the Government for purposes of gains. The fact that a disability is created by the order of blacklisting indicates that the relevant authority is to have an objective satisfaction. Fundamentals of fair play require that the person concerned should be given an opportunity to represent his case before he is put on the blacklist.”

6. We agree with the submissions made by the petitioner that blacklisting to the petitioner is nothing but amount to a civil death, and such coercive action must be by following due process of law or atleast a hearing opportunity before taking such action.

7. Admittedly, there is nothing on record to show any such opportunity of hearing was granted to the petitioner before taking drastic action. As such, in view of law laid down by the Hon’ble Supreme Court of India, the impugned communication dated 1st March, 2023 and resolution of the Gram Panchayat dated 27th February, 2023 of blacklisting the petitioners for next three years being illegal, the same is hereby quash and set aside.

8. In respect of other prayers made in the petition, we are not inclined to consider the same. The petitioners are at liberty to challenge the same at appropriate stage, if the facts and circumstances so follows.

9. The petition is disposed of in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[SMT. M.S.JAWALKAR, J.]