

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

WRIT PETITION NO. 3378 OF 2015

Harinarayan Bhikchand Chichani

.. PETITIONER

VERSUS

The State of Maharashtra
& another

.. RESPONDENTS

Mr. D.R. Jethliya, advocate for petitioner.
Mrs. S.A. Dhumal, AGP for the State.
Mr. A.S. Bajaj, advocate for respondent no. 2.

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**CORAM : R.M. BORDE &
V. K. JADHAV JJ.
DATE : 6th MAY, 2015.**

PER COURT :

1. Petitioner is praying for quashment of communication dated 26.05.2014 issued by respondent no. 2 cancelling allotment of plot meant for construction of hospital in favour of petitioner. Admittedly, neither the petitioner – firm is operating any hospital nor its partners are doctors. Under the development plan declared by CIDCO, the plot has been earmarked for hospital purpose however, while issuing advertisement, relevant condition that the tender offer shall be received only from the doctors or the firms operating hospital, was not incorporated. According to rules, the CIDCO authority has right to take decision of cancellation of the offer on noticing the mistake by the Managing Director, cannot be controverted. Apart from this, after cancellation of the tender offer, petitioner has withdrawn the earnest money deposit long back and has failed to approach this Court raising grievance within reasonable time. The

petition presented by petitioner belatedly after acceptance of earnest money deposit and thereby submitting to the decision of the CIDCO authority, need not be entertained in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India. Petitioner has placed reliance on judgment in the matter of Rashmi Metaliks Limited and another vs. Kolkata Metropolitan development Authority and others reported in **(2013) 10 Supreme Court Cases 95**. The facts giving rise to the aforesaid matter are totally different and as such the precedence cited is not applicable to the instant matter. Writ petition is devoid of substance hence stands rejected.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

dyb