

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12003 OF 2013

Ananda Kachari Choudhari and ors. .. Petitioners.

V/s

The State of Maharashtra through
the Department of Industry
and through the Department of
Environment Protection and ors. .. Respondents.

Mr. S.M. Gorwadkar, for the Petitioners.

Mr. P.G. Sawant, AGP, for the Respondent Nos.1, 3 & 4.

Ms. Shyamali Gadre i/by Little & Co., for the Respondent No.8.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : 10th July, 2015

P.C.

1. The petitioners' land was notified under Section 42(1) of the Maharashtra Industrial Development Act, 1961. The land is situated adjoining villages Aakrale and Talegaon Dindori.
2. The petitioners' grievance is that there is grape garden in the subject land. They are not willing to part with the possession of the subject land. The Maharashtra

Industrial Development Corporation (MIDC) has notified other lands alongwith the petitioners' subject land for establishing the Industrial Development Corporation.

3. From the submissions and the affidavits filed, it appears that MIDC is now inclined to submit a proposal to the State Government for de-notification/deletion of subject land of the petitioners from the notified area. The said proposal is required to be submitted by Maharashtra Industrial Development Corporation to the State Authorities.
4. The learned counsel for the MIDC has submitted that within two weeks the said proposal will be submitted to the State. The learned counsel for the petitioners prays that if such a proposal is submitted, the State may be directed to decide the said proposal.
5. Considering the rival submissions of the learned counsel, we pass following order.

: O R D E R :

(a) We direct MIDC to submit the proposal to the State Government with a request for de-notification of the subject land within two weeks from today.

(b) If the State receives such a proposal, then the State is directed to take decision within four weeks. The petitioners shall be intimated of the decision of the State.

(c) In any case if the decision goes in favour of the petitioners and it is found that any of the petitioners had accepted the amount of compensation, such of the petitioner shall refund the said amount to MIDC within four weeks weeks thereafter after the receipt of the decision. Till the decision on the same, the status-quo of the land shall be maintained.

6. The petition is disposed off accordingly.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)