

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

WRIT PETITION NO.3102 OF 2014

[Shri Nathuji s/o Baluji Borpe .vs. Maharashtra Industrial Development Corporation and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri S.O. Ahmed, counsel for the petitioner,
 Shri R.E. Moharir, counsel for the respondent no.2,
 Shri K.L. Dharmadhikari, AGP for the respondent no.3.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATED : APRIL 28, 2015.

By this petition, the petitioner seeks a direction to the respondent no.1-M.I.D.C. to consider the application made by the petitioner, dated 24.2.2014 for appointment of the son of the petitioner on the basis of the priority certificate issued to the petitioner.

The petitioner was the owner of six acres of land in Ghugus and the said land was acquired by the respondent no.1 for development of the industrial area. After the acquisition of the land of the petitioner in the year 1977, the petitioner was given a priority certificate on 23.12.1977. It is the case of the petitioner that in view of the priority certificate, the petitioner was entitled to be employed in the factories in the M.I.D.C. Area of Ghugus. The petitioner sent various representations to the respondents for appointing the petitioner from the year 1984 to 1987, however, the same were not favourably considered. According to the petitioner, the son of the petitioner is now eligible for appointment in the factories in the M.I.D.C. area and hence, the respondent no.1 should favourably decide the representation made by the petitioner for granting employment to his son in one of the factories.

The prayer made by the petitioner cannot be granted in exercise of the writ jurisdiction. The petition suffers from laches. The land of the petitioner was acquired in the year 1977 and the petitioner claimed to have received the priority certificate on 23.12.1977. If despite the representations made by the petitioner to the respondent no.1 from the year 1984 to 1987, employment was not granted to the petitioner, the petitioner ought to have approached this court, within a reasonable time. The petitioner, however, did not take any steps to challenge the inaction on the part of the respondent no.1 and to seek employment for himself. Now the petitioner has made a representation to the respondent no.1 in the year 2014, seeking employment of his son, who has attained majority. We are afraid that the relief sought by the petitioner cannot be granted in the circumstances stated hereinabove. The priority certificate issued in favour of the petitioner, if any, cannot be availed by the petitioner for seeking an appointment for his son nearly 35 to 40 years, after the issuance of the same. If the petitioner was not employed in one of the factories located in the M.I.D.C. Area of Ghugus and if the petitioner has such a right, the petitioner ought to have approached this Court within a reasonable time from 1977. Neither can the petitioner nor can his son could be directed to be employed by the respondent no.1, after a lapse of nearly 40 years, from the date of acquisition of the petitioner's land.

In the result, the writ petition fails and is dismissed, with no order as to costs.

JUDGE

JUDGE