

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 3674 OF 2015

DR BABASAHEB AMBEDKAR IT PARK COOPERATIVE SOCIETY LIMITED,
AURANGABAD
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. A.B. Dhongade
AGP for Respondents: Mrs. A.V. Gondhalekar.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 5TH JULY , 2016.

PER COURT:

1] Mr. Dhongade, learned counsel for the petitioner submits that the petitioner had filed an application for allotment of plot on 30th December, 2010 i.e. Plot No. A-116, which was surrendered by the Klockner Pentaplast India (P) Ltd.. The petitioner thereafter again made a representation on 21.3.2011 enquiring about the allotment of the said plot. Thereafter, on 14.8.2011, the petitioner was informed by the respondent that the said plot is not available for allotment. Thereafter, on 18.4.2011, the petitioner made an application for allotment of the plot adjacent to the Sterlite Company of 25 Acres. The noting was put that as the area asked by the petitioner is more than 5 acres, same be placed before the Head Office. Learned counsel submits that respondents for developing Vehicle Terminus, has reserved the plot No. AM-5. It was, in fact, reserved for Helipad, fire station, service center etc. The said reservation has been cancelled and the entire plot is reserved for vehicle terminus.

2] The petitioner made a representation and made a grievance for allotment of vacant Plot No. A-116, admeasuring 60000 Square meters. Pending the said proposal, the respondents allotted half of the said plot to M/s. Greaves Cotton. Time and again, the petitioner made representations but to no avail. The respondents submitted that the application of the petitioner is at Wait List at Sr. No.11 and as petitioner has demanded the area of more than 20000 square meter, it is referred to Head office. Time to time, petitioner made a representation, the same was not considered. However, on 16th March, 2015, the respondent No.3 issued an auction notice for auction of plot No. AM-5 at Shendra Five Star Industrial Area, for truck terminus. Learned counsel submits that said auction is illegal and not in consonance with law. The respondents be directed to allot the said plot to the petitioner.

3] Mr. Deve, learned counsel submit that the auction of Plot No. AM-5 has been conducted and the successful bidders have been allotted the said plot by auction. Without auction, the plot could not have been allotted.

4] We have considered the submissions. After filing the petition, auction has taken place and the auction purchaser's interest are created. We do not find any policy on record, wherein, without auction, the plot can be allotted. The request of the petitioner for allotment of Plot No. AM-5, certainly now can not be considered as the auction of the same has already taken place. In case, if the there is a policy of the respondents for allotment of plot on direct application to the society like the petitioner,

then, the petitioner is at liberty to make an application to the respondents, which shall be considered by the respondents, on its own merits, in accordance with the policy. Writ petition is accordingly disposed of. No costs.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-