

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

**REVIEW APPLICATION NO.171 OF 2016
IN
PUBLIC INTEREST LITIGATION NO.68 OF 2013**

Omprakash s/o. Kashinath Zikre,
Age:36 years, Occ. Business
As partner of "Marshal Wire
Industries", W-31/Part,
MIDC Area, Ahmednagar ..Applicant

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Industries, Energy & Labour
Department,
Mantralaya,
Mumbai - 32
2. The Chairman,
Maharashtra Industrial Development
Corporation & Hon'ble Cabinet Minister
for Industries, Maharashtra State,
'Udyogsarthi',
Mahakali Caves Road,
Andheri (E),
Mumbai - 93
3. The Managing Director,
Maharashtra Industrial Development
Corporation, 'Udyogsarthi',
Mahakali Caves Road,
Andheri(E),
Mumbai - 93
4. The Regional Officer,
Regional Office,

Maharashtra Industrial Development
Corporation, 'Udyogbhavan',
Satpur, Nasik - 422 007

5. The Area Manager,
Maharashtra Industrial Development
Corporation, Nagapur, Ahmednagar,
District : Ahmednagar
 6. The Association of Ahmednagar
Manufacturing Industries,
Through its General Secretary,
Shri Milind Eknath Kulkarni,
Age : Major, Occ. Business,
r/o. Taluka and Dist. Ahmednagar
 7. Somnath s/o. Gangadhar Karale,
Age : 30 years, Occu.Agri.
and Social Work,
R/o. Bolhegaon,
Tq. & Dist.Ahmednagar
 - 8.Vishnu s/o. Jagannath Dhawale,
Age: 44 years, Occ. Private Service,
R/o. Wambhori, Tq. Rahuri,
Dist. Ahmednagar
 - 9.Rupesh s/o. Shivaji Pansambhar,
Age 32 years, Occu.Business,
r/o. Sonai, Tq. Newasa,
Dist. Ahmednagar
- ..Respondents

AND

REVIEW APPLICATION NO.172 OF 2016

IN

PUBLIC INTEREST LITIGATION NO.68 OF 2013

Atul s/o. Sureshchandji Sancheti,
Age:44 years, Occu. Business,
As Director of "Digital Print System

and Solutions Pvt. Ltd.",
W-36/C-2-PART, MIDC Area,
Ahmednagar

..Applicant

VERSUS

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- 9.Rupesh s/o. Shivaji Pansambhar,
Age 32 years, Occu.Business,
r/o. Sonai, Tq. Newasa,
Dist. Ahmednagar ..Respondents

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In both Review Applications :

Mr.V.P.Latange, Advocate for Applicant

Mr.M.M.Nerlikar, APP for respondent no.1

Mr.N.V.Gaware, Advocate for respondent nos.7 to 9

Mr.V.R.Dhorde, Advocate for respondent no.6

Mr.S.S.Dande, Advocate for respondent nos.4 and 5

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : SEPTEMBER 20, 2016**

ORDER (PER SANGITRAO S. PATIL, J) :

By these applications, a prayer has been made to review/recall the judgment and order dated 14.06.2016 in Public Interest Litigation No.68 of 2013 passed by this Court to the extent of the applicants and to direct the respondents that they should not take any action against the applicants in pursuance of the said judgment.

2. The learned Counsel for the applicants submits that the applicants were not parties to Public Interest Litigation No.68 of 2013. They have been allotted plots for industrial purpose in the industrial area of Maharashtra Industrial Development Corporation ("M.I.D.C.", for short), Nagapur, Ahmednagar, wherein they are running their respective industrial units. They have invested huge amount for running their industrial

units in the said plots. They have not flouted any rules while acquiring the plots and running the industrial units therein. However, the respondents Authorities have issued notices against them calling upon them to vacate the industrial plots possessed by them. It is, therefore, prayed that the judgment and order referred to above, may be reviewed/recalled and the respondent - Authorities may be directed not to take any action against them.

3. The learned Counsel for respondent nos.7 to 9 strongly opposed the applications. According to him, the judgment and order sought to be reviewed/recalled by the applicants was challenged by respondent no.6 i.e. the Association of Ahmednagar Manufacturing Industries, through its General Secretary, before the Hon'ble Supreme Court by filing Petition(s) for Special Leave to Appeal(C) No(s).20234 of 2016, however, it was

dismissed by the Hon'ble Supreme Court vide order dated 08.08.2016. If the applicants have acquired the plots as per the due procedure of law, the impugned judgment would not have any effect on their right to possess them. The applicants would be at liberty to justify their right to continue to be in possession of their respective plots. He submits that the Review Applications are without substance. He, therefore, prays that the Review Applications may be dismissed.

4. As per the judgment and order sought to be reviewed, the allotment of plots made by entertaining individual applications, the subject matter of the Gatne Committee and the Internal Committee, have been ordered to be cancelled. Moreover, the Chief Executive Officer of the M.I.D.C. has been ordered to take necessary steps according to law to terminate allotment and resume possession of the plots which have been unlawfully

sub-let or sold or transferred in any manner by the original allottees to the third persons. The Chief Executive Officer has been further ordered to take necessary steps vide Sections 44 and 46 of the Maharashtra Industrial Development Act, 1961 ("M.I.D.C. Act", for short) in respect of the plots and against the allottees thereof, who have carried out illegal encroachments upon the marginal open spaces around the buildings.

5. Thus, there are no directions to take possession of the plots which have been legally allotted to the industrialists and who have not committed any breach of any of the provisions of the M.I.D.C. Act or the Rules/Regulations framed thereunder. The Chief Executive Officer is bound to extend an opportunity of hearing to the plot holders against whom he proposes to take action for termination of allotment or resumption of possession of the plots which have been unlawfully allotted/sub-let or transferred in any manner.

6. If the applicants claim that they are the lawful allottees of the plots which are in their respective possession and they have not committed any breach of any of the provisions of the M.I.D.C. Act or the Rules made thereunder, they may bring that fact to the notice of the Chief Executive Officer. In case, their claim is not accepted by the Chief Executive Officer, the applicants would have a fresh cause of action of challenging the action taken by the Chief Executive Officer. The contention of the applicants that only because they were not parties to the Public Interest Litigation No.68 of 2013, no action can be taken against them, cannot be accepted in the facts and circumstance of the case. There is absolutely no reason to review/recall the judgment and order dated 14.06.2016 passed by this Court in Public Interest Litigation No.68 of 2013.

7. Hence, the order :-

The Review Applications are rejected.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

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