

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2 CIVIL APPLICATION NO. 12875 OF 2016
IN WP/2338/1999

CITY AND INDUSTRIAL DEVELOPMENT CORPORATION OF
MAHARASHTRA THROUGH ITS ADMINISTRATOR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. A.S. Bajaj
AGP for Respondent No.1:Mr. P.S. Patil

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CORAM : R. M. BORDE & K. K. SONAWANE, JJ.
Date: October 07, 2016

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PER COURT :-

1 The Cidco is desirous of allotting tenements/plots in favour of employees, named in the application, who are appointed on compassionate grounds, under the family welfare scheme adopted and framed for the benefits of employees. The directions issued by this Court in Writ Petition No.2338/1999 restraining Cidco to allot land in possession of the Cidco on the basis of individual request/applications in absence of public proclamation/tenders creates an impediment in making allotment under the beneficial scheme framed by Cidco for its employees.

2 Learned counsel appearing for the applicant Cidco invites our attention to the Judgment of the Supreme Court in case of Padma versus Hiralal Motilal Desarda & others (reported in

(2002)7 SCC 564. The Supreme Court, while disposing of the civil appeal permitted Cidco authorities to approach the High Court, seeking modification relating to implementation of the Judgment of the High Court. Availing the liberty granted by the Honourable Supreme Court in the aforesaid mater, the instant Civil Application is presented.

3 We have heard learned counsel appearing for Cidco. It is revealed that, the allotment is under a scheme formulated by Cidco for the benefit of its employees and as such, there would not be much deviation from the object of allotment of tenements/plots in favour of the public at large, in observance of procedure for issuance of tenders/public proclamation for the purpose. Considering the nature of request, it would be appropriate to permit an exception from the general direction issued by this Court in the Writ Petition referred to above.

4 The application is therefore allowed in terms of prayer clause 'B'.

(K. K. SONAWANE, J.)

(R. M. BORDE, J.)