

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 7398 OF 2014

Netaji Yantramag Dharak Valaghu
Udyog Sahakari Sanstha Solapur ... Petitioners
Vs.
Maharashtra Industrial Development
Corporation & Ors. ... Respondents

None for the Petitioners.

Mr. V. B. Thadani, AGP for the Respondent – State.

Mr. S. S. Aradhye, for Respondent No. 3.

CORAM : V. M. KANADE, &
M. S. KARNIK, JJ.

DATE : MARCH 21, 2016

PC.

1. None appears on behalf of the Petitioners. By this petition, which is filed under Article 226 of the Constitution of India, Petitioners are seeking following reliefs:

- “(a) Rule be issued and record and proceedings be called for;
- (b) This Hon'ble Court be pleased to issue the writ of mandamus or any other appropriate writ / direction /

order in the nature of mandamus under Article 226 of the Constitution of India, 1950 thereby directing the Respondent No. 1 to review its decision of allotment of suit land bearing A-6/2 & A/14 at MIDC Akkalkot Road, Solapur and consider the claim of the Petitioner on its relative merit both in point of time and demand in terms of money and decide the same in accordance with law;

- (c) This Hon'ble Court be pleased to issue the writ of certiorari or any other appropriate writ / direction / order in the nature of certiorari under Article 226 of the Constitution of India, 1950 thereby quashing and setting aside the decision for allotment of land bearing A-6/2 and A/14 at MIDC Akkalkot Road, Solapur admeasuring 14,090 sq. meters;
- (d) Pending and hearing and final disposal of the present Writ Petition, this Hon'ble Court be pleased to restrain from allotting the plot of land bearing A-6/2 and A/14 situated at MIDC Akkalkot Road, Solapur and/or to create any third party interest therein and/or allow the Respondent No. 3 to utilize the said land for any purpose;
- (e) Inter / ad-interim order in terms of prayer clause (d) above be granted;

- (f) Costs of this petition be provided for;
- (g) Such other and further reliefs be granted as the nature and circumstances of the case may require.”

2. Learned counsel appearing on behalf of Respondent No. 3 submits that a plot has already been allotted to Respondent No. 3 – Patel Textiles, and they have taken possession of the plot. Secondly, he submitted that one more petition viz. Writ Petition (St.) No. 35048 of 2013 was filed by another person seeking more or less similar reliefs. However, the said petition was allowed to be withdrawn unconditionally. Be that as it may, since Respondent No. 3 have already taken possession of the plot, question of review of the decision of allotment of said plot does not arise. Writ petition is, therefore, disposed of.

Sd/-
[M. S. KARNIK, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath