

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.628 OF 2015

Parivartan Scheduled Caste
Industrial Co-operative Society Ltd.,
Terwad, through its Chairman
Shri Sukumar Shripati Bhale ...Petitioner

Versus

Ld. Divisional Commissioner, Pune,
Division, Pune & Ors. ...Respondents

...

Mr. P.S. Dani, Senior Advocate with Mr. Manoj Patil for the Petitioner.
Mr. V.M. Mali, A.G.P. for Respondents-State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 4th JULY, 2016.

P. C. :

Heard Mr. Dani, learned Senior Advocate appearing for the
Petitioner and Mr. Mali, learned A.G.P for the Respondents-State.

2. By this petition filed under Article 226 of the Constitution
of India, the Petitioner has challenged the orders dated 28th May, 2015
and 9th September, 2015 passed by the Divisional Commissioner, Pune
Division, Pune and Collector of Kolhapur respectively. By the said
orders the Petitioner's application for allotment of land from Gut
No.425 admeasuring 1 Hectar, 20 R situated at Haroli, Taluka Shirol,

District Kolhapur for the industrial use is rejected. Earlier also the Collector, Kolhapur rejected Petitioner's similar application by his order dated 7th May, 2014. The Petitioner's request is rejected mainly on the ground that the said land is situated in agriculture zone/ no development zone in Kolhapur, Ichalkaranji Regional plea and therefore, the industrial use is not permissible.

3. Mr. Dani invites our attention to the notification dated 9th June, 2015 issued by the Government Urban Development Department. Copy of which is annexed to page No.127 of the petition. He submits that by the said notification new regulation regarding the permissible use in agriculture zone/no development zone of Development Control Regulations of the Regional Plan of Kolhapur-Ichalkaranji is added under which the bonafide industrial use is permitted in respect of agriculture zone /no development zone. Mr. Dani submits that Petitioner's proposal may be considered afresh in the light of the said notification dated 9th June, 2015.

4. Mr. Mali, the learned A.G.P states that the Petitioners representation would be considered afresh in the light of the said notification dated 9th June, 2015.

5. In the above circumstances, we deem it convenient to

dispose of the petition by directing the Collector, Kolhapur, to consider the Petitioner's proposal for allotment of the land Gut No.425 admeasuring 1 Hector, 20 R situated at Haroli, Taluka Shirol, District Kolhapur, for industrial use afresh in the light of the notification dated 9th June, 2015. The proposal shall be decided on its own merits and in accordance with law. The Collector, Kolhapur, shall decide the proposal as expeditiously as possible and preferably within a period of eight weeks from the date of receipt of this order. Ordered accordingly.

6. The parties to act on authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)