

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

901 WRIT PETITION NO. 5074 OF 2014

**RUBICON FORMULATIONS PVT.LTD. THR. ITS DIRECTOR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioner : Mr. Talhar Ajay G.
Ms. RP Gour, AGP for Respondents:1;
Mr. Sadanand S.deve For R/2 to 4;
Mr. SB Gastgar, Adv. For Resp.No.5.

**CORAM : R.M.BORDE &
P.R.BORA,JJ.**

DATE : 21st MARCH,2017.

PER COURT

1) Heard. The petitioner tendered an application for allotment of 5,500 sq.mtrs. of industrial plot. Along with the Blue Application, a detailed project report, indicating his actual requirement of the plot is to the extent of 5250 sq. mtrs., is submitted. Accordingly, after detailed scrutiny of the DPR, the Land Allotment Committee in its meeting held on 4.4.2013, decided to allot the land admeasuring 5,500 sq. mtrs. to the petitioner. The letter of allotment was issued on 20.8.2013 on condition of submission of blue application for allotment of land sanctioned by the Land Allotment Committee. The petitioner submitted the letter dated

22.8.2013 along with the duly filled blue application form to MIDC. The plot area needed by the petitioner is 5,500 sq. mtrs. The break up of the total plot area for production building is 30 m x 40 m; whereas for office store and other ancillary building the area shown is 30 m x 40 m. Thus, total requirement of the petitioner for the industrial plot was 2400 sq.mtrs. While actually allotting the plot, the MIDC had allotted an area to the extent of 5,462 sq.mtrs, which, in our opinion, clearly meet the requirement of the petitioner.

2) The petitioner objects to carving of the additional area of 500 sq. mtrs out of the plot and allotting the same to Respondent No.5. The size of the plot admittedly is to the extent of about 5,962 sq. mtrs. Since the demand of the petitioner is for 5,500 sq.mtrs under the application tendered by him to the authority, according to us, the petitioner has no legal right to claim additional area and question allotment in favour of Respondent No.5. Respondent No.5 has been allotted a separate area out of the same plot to the extent of 500 sq.mtr for the industrial purpose.

3) Prima facie, we do not find that the action of the respondents - authorities is unreasonable so as to call for interference in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. The petitioner raised the grievance in respect of utilization of the GCR, which grievance can be raised before MIDC and shall not be looked into by the Planning Authority.

4) In our considered opinion, no interference is called for in the present writ petition. The writ petition is devoid of substance and the same is dismissed.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/