

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1218 OF 2017
IN
WRIT PETITION NO.11227 OF 2016

M/s. Kay Bouvet Engineering Pvt. Ltd.applicants

IN THE MATTER OF:

Mohan Bapu Vanjari (Bhoi) & Ors.Petitioners

Versus

The State of Maharashtra & Ors.Respondents

Mr. Nikhil Wadikar i/by Mr. Nandu V. Pawar , Advocates for applicants.

Mr. N.C.Walimbe, AGP for Respondent-State.

Mr. Ankit Kulkarni i/by Little & Co., Advocate for Respondent Nos.2 to 4.

Mr. Ashutosh Kulkarni, Advocate for Petitioners in WP No.11227/2016.

**CORAM : SMT. V.K. TAHILRAMANI, &
SANDEEP K. SHINDE, JJ.**

DATE : July 14, 2017.

P.C. :

The applicants/M/s. Kay Bouvet Engineering Pvt. Ltd. seeks to implead themselves as party respondents in the

Writ Petition No.11227 of 2016.

2 Heard learned counsel for the applicants and the learned counsel for petitioners in Writ Petition No.11227 of 2016 and the counsel for respondents in the said petition. Subject petition relates to Survey No.170/2 (Old Survey No.208/2) corresponding no.206/2 at Village: Kodoli, Taluka and District: Satara. It appears that the State Government had issued a Notification of 4.5.1977 under the MID Act, 1961 for acquiring these lands. Petitioners would contend that these lands were never acquired nor actual possession thereof was taken from them. They would contend that their representation as against the acquisition is pending before the State.

3 The applicants, on the other hand, would contend that part of these lands bearing Plot No.N-3/1 is allotted to it by the MIDC upon certain terms and conditions for industrial use vide allotment order dated 30.8.2014. In the writ petition vide order dated 3.10.2016, parties were directed to maintain status-quo in respect of possession over the lands as it exists on 3.10.2016. Applicants herein was not impleaded as

respondent in the writ petition. Applicants urged that they are in possession of plot no.N-3/1 and the order of status-quo passed by this Court in their absence causes heavy prejudice, as they may not be able to construct the building thereon within a stipulated period in terms of allotment order dated 30.8.2014. Applicants, thus, urged that if they do not construct building within the stipulated period, they may have to pay the penalty to the respondent no.2-MIDC.

4 We have perused the application as well as the petition and the order dated 3.10.2016 passed in the writ petition. In view of the facts aforesaid, we are inclined to allow the application and accordingly, the application is allowed. Petitioners are directed to implead the applicants as party respondent by carrying out necessary amendment within two weeks from today and serve copy of amended petition to the respondents.

5 So far as the apprehension of the applicants that they may have to pay the penalty to the MIDC for not constructing building on the subject plot, the learned counsel appearing for MIDC has made a statement before us, that, the

respondent-Corporation shall not impose penalty without first
affording sufficient opportunity to the applicants. The
statement is accepted and the Civil Application is disposed of.

Writ Petition to come up for hearing on 2.8.2017.

(SANDEEP K. SHINDE, J) SMT. V.K. TAHILRAMANI, J)