

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

4 CIVIL APPLICATION NO. 2085 OF 2018
IN WP/2338/1999 WITH CA/2086/2018 IN WP/2338/1999 WITH
CA/2087/2018 IN WP/2338/1999

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

...
Advocate for Applicants : Mr. A.S. Bajaj
AGP for Respondent 1/State : Mrs. D.S. Jape
Party in Person - Respondent 2 : Mr. Hiralal Desarda

...
**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATED : March 19, 2018.

ORDER :

1. All the three civil applications are filed by respondent (CIDCO) of writ petition for seeking permission of this Court to make allotment of few plots (three in number) to Aurangabad Municipal Corporation and Income Tax Department. One plot is to be given to Municipal Corporation for creation of new road, one plot is to be given to Municipal Corporation for creation of Health Center and the third plot is to be given to Income Tax Department for its use.

2. It appears that as there is order of this Court that there will be no direct allotment by CIDCO on application basis,

the procedure which was followed in the past, such relief is sought. The learned counsel for CIDCO submitted that the lands are to be allotted to Corporation and Income Tax Department for public purpose and so, such permission is necessary and there is no need to follow the procedure. The petitioner, party in person, submitted that as yet, according to him, no guidelines are prepared for making allotment of plots by CIDCO. He submitted that the guidelines need to be prepared first so that poor persons for whose benefit the institution like CIDCO should work, get plots from CIDCO and the plots are not given to the persons, who can afford to purchase from open market. In the petition also, the prayer is made to prepare the guidelines. The learned counsel for CIDCO submitted that there are already few guidelines for preparing groups. However, there is necessity to have a comprehensive guidelines so that the persons who are entitled and who are in need of such plots do get such plots rather than the persons who can afford to purchase the plots from open market. The learned counsel for CIDCO is advised to produce on record whatever the guidelines prepared from any angle before this Court before the next date to show to the Court, the steps taken by CIDCO since the date of petition, from the year 1999 for preparing such guidelines.

3. It appears that only three applications are there for consideration and the order made by the Apex Court reported as **2002 (10) LJSOFT (S.C.) 15 [Padma Vs. Hiralal Motilal Desarda & Ors.]** shows that Apex Court has given liberty to the CIDCO to approach this Court (para 42, direction No. 8). The proposed allotments will be in the public interest and it will be either to the Government or Local Body, authority of the Government. In view of these circumstances, this Court holds that permission needs to be granted by allowing applications subject to following conditions. So, the order.

ORDER

(I) Applications are allowed, subject to conditions that the plots which are to be allotted are not in dispute and no order like of injunction nature is made against CIDCO preventing from making allotment of those plots. If the plots are made subject matter of some suits, it needs to be made clear that the allotment will be subject to decision of the suits. All those conditions should be there in the undertaking to be obtained from allottees. There should be further undertaking from the allottees that these plots will be used for the purpose for which they are claimed and if the Local Body or Income Tax

Department do not want to use those plots for the purpose mentioned, the plots will be returned back to CIDCO. With these observations, the applications are disposed of.

(II) List the Writ Petition on 3.4.2018.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/