

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4202 OF 2017

Santosh Bhaurao Zanje

.. **Petitioner**

Versus

The Maharashtra Industrial Corporation
Through its Chief Executive Officer
and others

.. **Respondents**

Shri Sudheer R. Zambre a/w Shri A. A. Nimbalkar, Advocate for the Petitioner.

Shri Sanjaykumar B. Bhosale, Advocate for Respondents.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 13th March, 2018

PER COURT :

1. The petitioner was allotted the Plot No. B-12, admeasuring 800 Sq. Meters from the Ashti Industrial Area, Taluka – Ashti, District - Beed. Agreement was entered into on 10th November, 2010. Because of a incurable ailment the petitioner could not commence the construction work. The learned advocate for the petitioner submits that the petitioner on 27.2.2017 applied to the respondent - authority seeking permission to construct factory and commence business / production. The notice was issued by the respondent No. 2 on 6.3.2017 stating that the possession of

the plot would be taken on 29.3.2017. The learned advocate submits that on the date the petition was filed the respondent took possession of the plot. The learned advocate submits that there is a scheme for extension of permission for construction, floated on 22.9.2016 namely '*Udyog Sanjivani*'. The learned advocate submits that the petitioner had applied pursuant thereto, however, the application is not considered. The petitioner is ready to deposit the late charges. It was only because of the situation beyond the control of the petitioner the petitioner could not commence the construction. The petitioner had met with an accident and was also suffering from incurable disease as such could not carry out the construction. The petitioner would immediately take up the construction. The respondents be directed to grant extension of time to construct.

2. Mr. Bhosale, learned advocate submits that no scheme for extension of period of agreement is in force. The earlier scheme has come to an end. The petitioner did not take up any construction activity. The purpose for which the plot was given is not utilized.

3. We have considered the submissions and the ailment suffered by the petitioner.

4. We would have taken a sympathetic approach towards the petitioner had the petitioner carried out some activity on the writ plot. Though the petitioner was allotted the plot in the year – 2010, the petitioner did not even apply for construction permission nor took any positive steps for extension of the period as stated in the agreement. The petitioner could have at least taken some steps like seeking permission to construct. Even nothing is stated as to what sort of construction the petitioner was to undertake. No concrete plan is submitted even at the time of filing of the petition. The ailment which is suffered by the petitioner would be deteriorating.

5. Considering all the aforesaid conspectus of the matter, no relief can be granted to the petitioner. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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