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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

PUBLIC INTEREST LITIGATION NO. 32 OF 2014

Datta Murlidhar Waghmare

... Petitioner.

V/s.

State of Maharashtra & Ors.

... Respondents.

Mr. Mohan Rawat I/b. R.G. Panchal for the Petitioner.

Mr. M.M. Pabale, AGP for the Respondents 1 to 3.

Mr. R.D. Soni a/w. Mr. V.R. Kasle I/b. Ram & Co. for Respondents 6 to 9.

Mr. Samir Kumbhakoni for Respondent 4.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 4 JUNE 2019.

P.C. :-

Filed in public interest the Petitioner brought to the notice of this Court that Respondent No.6 – Society was allotted 3472 sq.mtr. Land for purposes of establishing industries. It is pleaded that Respondent No.6 sold the land by carving out plots to private Respondents who, after raising buildings thereon have started using the building for residence.

2. Report was sought by this Court from the Chairman, District Legal Services Authority and Principal District Judge, Solapur. Report filed is that no transfer of any proprietary interest in the land in favour of private persons has been made. The members of the society were allotted plots and have raised construction thereon. On all plots small scale units are running from the buildings so constructed. In some cases the allottees are residing on the first floor. The report therefore brings out that it is not a case of gross violation of the law. The report brings out that the land is being predominantly used for industrial purpose; few allottees are incidentally using part of the building as residence on the first floor. The dominant user continues to be small industrial.

3. Notice issued in the Petition is discharged. The Petition is disposed of.

N.M. JAMDAR, J.

CHIEF JUSTICE