

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10375 OF 2018

The Pune District Co-op Credit Society Ltd .. Petitioner

Versus

District Collector, Pune & Ors. .. Respondents

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- Mr. M.V. Sharma for the Petitioner
- Mr. A.S. Patel a/w Ms. P.N. Diwan, AGP for the Respondents
- Mr. Swapnil Kharat, Jr. Clerk of Petitioner present
- Ms. Swapna H. Gore, DCP Pune City & Mr. Vikram Patil, ACP, Pune City Present.

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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JULY 5, 2019.

P.C.:

1. This petition is filed by the Pune District Police Cooperative Credit Society Ltd. The prayer of the petitioner is for a direction to the respondents to comply with the order dated 10.12.2001 passed by the Government of Maharashtra for allotment of land to the petitioner society.

2. The petitioner is a society of staff of the police department of Pune District. It dispenses credit to its members. It had applied to the Government for allotment of

land to enable the society to carry out construction for its administrative office. By the said order dated 10.12.2001, the Government of Maharashtra had allotted land admeasuring 148.64 sq mtrs out of Survey No. 2 of Mahanagar Palika Pune, Taluka Haveli. It is undisputed that such land forms part of the Police Commissioner's complex at Pune. For years together, despite several requests, representations and reminders from the petitioner, the respondents did not act on their order. The petitioner has therefore, filed this petition with the above noted prayers.

3. In response to the notice, Mr. A.S. Patel, the learned AGP appeared for the respondents. Under instructions from the officers of Pune Police Commissionerate, he stated that the land was required for expansion of the facilities of the Police Commissionerate. A part of the land (approximately half of it) has already been utilized for such purpose for construction of a building which houses a one window facility to the visitors and a cell specially dedicated to the senior citizens. He, therefore, submitted that it is not possible to grant this land to the petitioner. The Police Commissioner

had already written to the Home Department for cancellation of allotment. He pointed out that the petitioner society is already occupying the area of approximately 2000 sq ft in the same premises.

4. On the other hand, learned counsel for the petitioner submitted that the society is constituted for welfare of the employees of the police department. The petitioner society takes loans and dispenses credit to its members who may be in urgent need of funds. The Home Department should, therefore, allot a proper place where the petitioner society can set up its administrative building.

5. In the facts of the present case, when it is pointed out that a part of land allotted is already utilized, we are not inclined to give any positive directions for handing over the remaining land or any part thereof. However, we cannot lose sight of the fact that the petitioner society is not a commercial venture and is a cooperative structure for the benefit of welfare of the staff of the Police Department. In the past, the Government itself had found the request for

allotment of land genuine. Learned counsel for the petitioner submitted that the petitioner would make an alternative suggestion which would benefit both sides.

6. Under these circumstances, the petition is disposed of with following directions:-

- (i) Let the Government consider the proposal of the Police Commissioner, Pune for cancellation of the allotment order dated 10.12.2001,
- (ii) While doing so, if the petitioner makes any representation for allotment of alternate land or any other alternative, the same should be considered. The entire exercise may be completed within four months from the date of this order.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]