

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1998 OF 2018

Munnalal Sevalal Maurya	...	Petitioner
versus		
The Maharashtra Industrial Development Corporation and Anr.	...	Respondents

Mr. A.A.Siddiquie i/by A.A.Siddiquie and Associates, for Petitioner.

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

DATE: 15th OCTOBER, 2019

P.C.:

1. The petitioner has challenged the order dated 15th February, 2016 passed by the Deputy Engineer, Maharashtra Industrial Development Corporation, Marol Sub-Division, by which the petitioner's application/representation for inclusion of his name in Annexure II deciding his entitlement came to be rejected. It is not necessary to record the entire history of the case. Suffice it to record that after one round of remand from this Court, the petitioner's case was considered again by the said authority on the basis of the documents produced by the petitioner. While rejecting the petitioner's claim, in the impugned order, it was observed that the petitioner's name was not found in the voters list before 1st January, 2000 or in the prior list of Marol Industrial area. It was recorded that the voters list for the year 1995 in relation to Part 76, Sr.No.169 Hut No.117 included name of Bhuvaneshwar Shobhnath Pandey.

The case of the petitioner was that the hutment was purchased by him from one Krishna Anandrao Shinde. It is recorded that the name of the wife of the said person namely Shashikala Anandrao Shinde was included in the second schedule and even the counsel for the petitioner agreed that the allotment was made to her by the developer. Under the circumstances, the petitioner failed to produce any reliable evidence of occupation of the said hutment before the authority below. The finding of facts cannot be disturbed. The writ petition is dismissed.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)