

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 13674 OF 2017

Ranjit Ganpatrao Chavan

...Petitioner

Versus

Maharashtra Industrial Development
Corporation And Ors.

...Respondents

....

Ms. Savita A. Prabhune, Advocate for the Petitioner.

Mr. Ankur Pahade, Advocate i/b. Jay & Co. for Respondent Nos.1 & 2.

Ms. K.R. Kulkarni, AGP, for Respondent No.3 – State.

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**CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.**
DATE : 08th JANUARY, 2020

PC. :

1. This Petition is preferred by the Petitioner for directions to Respondent No.1–Maharashtra Industrial Development Corporation (‘MIDC’) and Respondent No.2 its Regional Office, for allotment of a plot situated at village Pandare, Taluka–Baramati, District–Pune at the rate of Rs.270/- per square meter.

2. According to the Petitioner, he is a resident of village Pandare and wanted to start a business of restaurant/hotel in the MIDC area in that village. The Petitioner made an application on 6.2.2015 for allotment of a plot for his business. The petitioner had

requested for allotment of a plot admeasuring around 600 square meters.

3. It is further mentioned in the Petition that, on 26.3.2015, the Regional Office of MIDC sent a map and survey report to the Regional Officer of MIDC mentioning that there were three plots, namely, 'X1', 'X2' and 'X4', which were not developed and were vacant. The plot 'X1' and 'X2' were admeasuring 540 square meters each and the plot 'X4' was admeasuring 510 square meters.

4. Exhibits-C and D annexed to the petition show the office note in respect of the application made by the Petitioner. Said note mentions that the Petitioner was at Sr.No.1 in the waiting list and *prima facie* there were some shortcomings in the proposal of the Petitioner. It is the case of the Petitioner that he was always ready and willing to overcome those shortcomings and fulfill the requirements.

5. Exhibit-E annexed to the Petition shows further notings and remarks and it was mentioned therein that the decision could be taken by the concerned Land Allotment Committee. It was also

mentioned that at that stage, the rate was Rs.270/- per square meter. However, this internal notes and remarks were not communicated to the Petitioner.

6. On 25.4.2017, the Petitioner sent a letter to the Regional Officer of MIDC pointing out that he was not communicated with any decision in the past two years. He reiterated his prayers in his application for allotment of a plot.

7. Finally, by the letters dated 17.5.2017 and 10.8.2017, the petitioner was informed that the vacant plots in Pandare MIDC would be allotted through tender process in accordance with the circular dated 26.9.2016. The Petitioner was asked to participate in the tender process.

8. In this view of the matter, the Petitioner has approached this Court by way of the present Petition for directions to the Respondents to allot any plot to the Petitioner as per the old rate of Rs.270/- per square meter.

9. Respondent Nos.1 and 2 have opposed this Petition by filing affidavit-in-reply, affirmed by the Area Manager of

Respondent Nos.1 & 2. It is mentioned in the affidavit that the application of the Petitioner was scrutinized by the Land Allotment Committee and it was disposed of due to the revised policies which were decided in the Board Meeting held on 30.7.2016 vide resolution No.5589 and the Petitioner was accordingly informed about disposal of his application.

10. It is further contended in the affidavit that the Respondents had introduced a new policy to maintain transparency in the allotment process and the circular was issued vide circular No.D14502. It was decided that the plots should be allotted by inviting tenders when 80% of the plots were allotted by entertaining applications under “The Disposal of Land Regulation, 1975”. As Pandare Industrial Area had more than 97.8% area already under allotment, the remaining area could be allotted only in accordance with the revised policy decided on 30.7.2016. It is mentioned in the affidavit that the Respondent Corporation could not take any decision on the Petitioner’s application in view of the internal chaos and procedural work which was going on in the formulation of the new policy.

11. We have heard Ms. Savita Prabhune, learned Counsel for the Petitioner, Mr. Ankul Pahade, learned Counsel for Respondent Nos.1 & 2 and Ms. K.R. Kulkarni, learned A.G.P for Respondent No.3–State.

12. Learned Counsel for the Petitioner submitted that the Petitioner was not communicated about the decision on his application for more than two years. Finally he was asked to participate in the tender process in accordance with the new policy brought in force vide circular dated 26.9.2016. She submitted that by keeping the Petitioner's application pending for long period the Petitioner has suffered immense loss. The Petitioner is entitled for allotment of the plot at the rate of Rs.270/- per square meter, which was prevailing at the time of making his application and he was entitled for allotment of one plot as he was listed '1st' in the waiting list. She submitted that the Petitioner was not kept informed about the progress in processing his application and the Petitioner had to obtain the relevant documents through Right to Information. She submitted that asking the Petitioner to participate in the tender process was not fair and just.

13. As against these submissions, learned Counsel for Respondent Nos.1 & 2 relied on the affidavit filed on their behalf and raised the same contentions as mentioned in their affidavit.

14. We have considered these submissions. While it is true that the Petitioner's application was not processed on urgent basis, the policy of allotment of plots was undergoing important changes which is evident from the circular dated 26.9.2016.

15. Though, the Petitioner was informed about this fact vide letters dated 17.5.2017 and 10.8.2017, the policy of allotment of such plots was already in place since September, 2016. It is pertinent to note that the Petitioner was not allotted the plot before said circular was issued and, therefore, after 26.9.2016 when the circular was brought in force, there is no question of directing the Respondents to make allotment of a plot to the Petitioner contrary to the provisions of the said circular. The circular is based on sound public policy.

16. As mentioned in the affidavit of the Respondents, the policy decision is taken and the circular is issued with a clear

intention to bring more transparency in the process of allotment of plots and, therefore, we are not inclined to issue any directions contrary to the provisions of the circular. As informed to the Petitioner by the respondents, the Petitioner, if he so desired could always participate in the tender process. Since the Petitioner was not actually allotted a plot, he cannot insist on such allotment at the old rate of Rs.270/- per square meter.

17. In this view of the matter, we do not find any merit in the petition and hence same is dismissed with no order as to costs.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)

Deshmane (PS)