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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

14 CIVIL APPLICATION NO.7228 OF 2021
IN WP/12795/2016

STERLING POLYWEAVER PVT LTD THR. ITS DIRECTOR
PARESH BABUBHAI MANGOKIYA
VERSUS
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND
OTHERS

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Mr M. K. Bhosale, Advocate for applicant;
Mr S. G. Sangle, A.G.P. for respondent No.1;
Mr S. S. Dande, Advocate for respondent Nos. 2 & 3;
Mr S. R. Sapkal, Advocate for respondent No.4

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 2nd August, 2021

PER COURT:

1. The applicant is respondent No.4 in Writ Petition No.12795/2016 filed by non-applicant No.4. The petition is pending for five years. No relief has been granted by this Court to the original petitioner. The petitioner has challenged the allotment order dated 30/05/2012 in favour of the present applicant, by preferring the petition on 27/11/2016, which is after four years and six months. The petition is virtually lying dormant.

2. Shri. Dande, learned Advocate representing the MIDC submits that there is no dispute that a plot has been allotted in MIDC Dhule in

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favour of the applicant herein, who is respondent No.4 in the petition. He further submits that no further orders have been passed by the MIDC and there is no decision as regards any application filed by the present applicant, seeking 'no objection certificate' for leasing out the said plot. The learned Advocate for the applicant makes a categorical statement that a hard copy of the application of the applicant is pending with the MIDC.

3. The learned Advocate for the original petitioner seeks to canvass the deficiencies in the case of the present applicant which is the foundation for his challenge to the allotment letter dated 30/05/2012.

4. In view of the above, since no decision has been taken by the MIDC on the application of the applicant and as the writ petition filed by the petitioner in 2016, questioning the allotment of the plot to the present applicant in 2012, and five years of mere pendency of this petition, does not convince us to accept the submissions of the original petitioner opposing this application.

5. This application is, therefore, disposed off, leaving respondent No.3 – MIDC at liberty to take a decision on

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the pending application of the applicant as may be appropriate in law,
within a period of two months from today.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk