

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

904 CIVIL APPLICATION NO.13520 OF 2021
IN WP/10952/2014 WITH WP/10952/2014 WITH
CA/9370/2017 IN WP/10952/2014

**SANGHMITRA BAHU UDDDESHIYA MAGASVARGIYA VIKAS
SANSTHA, AURANGABAD THROUGH ITS PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicants : Mr. Golegaonkar Anil S.
AGP for Respondent/s-State : Mr. S. R. Yadav.
Advocate for Respondent Nos.2 & 3 : Mr. A. S. Bajaj.

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

DATE : 15.12.2021

PER COURT :-

1. The petitioner which claims to be a Magasvargiya Vikas Sanstha has put forth prayer clause 'B' as under :

"(B) To direct the CIDCO authorities not to mark the plots in open space as shown in the Development Plan (Lay Out Plan) of CIDCO for Deogiri Colony, N-2, Survey No.17, 22, 23 and 26P and it be further directed not to sell out to the extent of minimum 5000 sq.ft. for which the Petitioner-Society has made demand for starting Children Recreation Centre, Meditation Centre, Praying Hall and Auditorium and to perform Cultural, Social and Religious activities by the local residents and members of Petitioner-Society, by issuing appropriate writ, orders, or directions as the case may be."

2. The Civil Application No.9370 of 2017 has been filed on 08.09.2016 and has not been circulated even once. Prayer clause "B" reads as under :

"(B) To direct the Respondents No.2 & 3 not to sell out the Plot No.90 from N-2, Survey No.17/22 admeasuring 253.22 sq. meter as per the advertisement / Information brochure provided by CIDCO Authorities calling applications to sell out the plots by auction pending hearing and final disposal of the present Writ Petition."

3. Now, the petitioner has filed another Civil Application No.13520 of 2021 putting forth prayer clause 'B', which reads as under :

"(B) To direct the respondent no.2 and 3 not to sell out the plots no.202 and 203 from N-2, Survey No.17/22 admeasuring 229.02 Sq. Meters and 224.40 sq. Meters respectively as per the advertisement / Information Brochure provided by CIDCO Authorities calling applications to sell out the plots by auction, pending hearing and final disposal of the present writ petition."

4. As such, the prayers in both these civil applications are almost identical. While seeking circulation of these civil applications, we were informed that the CIDCO authorities are planning to sell out plot Nos.202 and 203 in survey No.17/22.

5. We have considered the submissions of the learned advocates for the petitioner-applicant and on behalf of CIDCO. We have perused the map placed on record at page No.43, which clearly indicates a large play ground which signifies that the CIDCO authorities have earmarked a large portion of land for play ground purpose. A school is also established in the said area.

6. The learned counsel for the applicant submits, on instructions, that land admeasuring 5000 sq.ft. (229.02 in plot Nos.202 and 224.40 in plot No.203) may be earmarked for community services like a meditation hall, yoga, recreation room, library etc.

7. We are informed by the learned advocate Mr. Bajaj that CIDCO authorities provide for community center on neighbourhood basis.

8. As such, since there is already a large portion of land earmarked for a play ground in the N-2 Mukundwadi Sector, which is at issue before us and considering the application of the applicant that they desire that CIDCO should hand over the said two plots to their society, we are unable to accept such a

request.

9. As such, both the civil applications stand rejected.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-