

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

WRIT PETITION NO. 100 OF 2020

Aviraj Devichand Dongre

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. V. P. Latange, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondent No. 1.

Mr. S. S. Dande, Advocate for Respondent Nos. 2 to 4.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 08th April, 2021.

PER COURT:-

. Mr. Latange, learned counsel submits that pursuant to the advertisement published by the respondent No. 2, Mr. Pansare made an application for allotment of plot No. N-13 in MIDC, Ahmednagar. After following the procedure the allotment letter was issued to Mr. Pansare of Plot No. N-13, adm. 2016 Sq. Mtr. Mr. Pansare had completed all the formalities. The petitioner thereafter entered with an agreement with Mr. Pansare after completing all the formalities. Mr. Pansare had decided to transfer the plot to the petitioner who is partner of M/s. Om Sai Engineering Works as Mr. Pansare was facing financial problems. The respondent No. 4 issued a consent letter for transfer of the plot in

the name of the petitioner. The MIDC has also registered final list agreement in favour of the petitioner on 01.02.2013 and the petitioner commenced his business under the name and style of M/s. Om Sai Engineering Works. The registration of the petitioner was rejected on the ground that petitioner's plot No. N-13 is involved in the Public Interest Litigation. The learned counsel submits that in the said Public Interest Litigation Gatne Committee was appointed. It has submitted the report. The bifurcation is made about the plots which are legally allotted and the plots which were not legally allotted. The petitioner's plot is in the list of plots which are legally allotted and which can be dropped from the Court proceedings. One review application was filed in the said Public Interest Litigation. This Court observed that if the applicant claims that the plot is lawfully allotted and in their respective possession and they have not committed any breach of any of the provisions of MIDC Acts or Rules is committed, the said fact be brought to the notice of the Chief Executive Officer and he will consider the case of the petitioner.

2. Mr. Dande, learned counsel for the respondent Nos. 2 to 4 submits that the petitioner has not filed any application pursuant to the same.

3. In the light of that, we pass the following order.

4. The petitioner may file his application with the respondent No. 2 through respondent No. 3 showing the legality of the allotment of the plot. The respondent No. 2 shall consider the application of the petitioner on its own merits and shall take decision on it expeditiously and preferably within a period of four (04) weeks from the date of application.

5. Writ petition accordingly is disposed of with aforesaid observations. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.