

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

124 WRIT PETITION NO.9866 OF 2022

CHANDRAKANT SHANKARAPPA SHANKARWAR
AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

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Advocate for Petitioners : Mr. R. C. Bora h/f Mr. M. L. Wankhade
AGP for Respondent No.1-State : Mr. P. S. Patil
Advocate for Respondent Nos.2 and 3 : Mr. S. S. Dande

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**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 27th September, 2022

PER COURT :

1. The petitioner has put forth prayer Clause 'B' as under :-

(B) Issue writ of mandamus or any other writ, order or direction in the like nature, thereby kindly direct the respondent No.2 and 3 to restore the possession of the plot of petitioners and consequently directed them to grant extension for development of the said plot.

2. We have considered the submissions of the learned Advocate for the petitioners and the learned Advocate representing the Maharashtra Industrial Development Corporation.

3 A plot bearing No.M-51 at MIDC, Shrirampur, Taluka Shrirampur, District Ahmednagar, was allotted to the petitioner by entering into a lease agreement based on the offer letter dated 24/08/2012. An amount of approximately Rs.78,000/- was deposited by the petitioner. A particular time frame of five years for developing the plot was granted to the petitioner. Subsequently, on his request, the time frame was extended. The explanation offered by the petitioners is that there were no proper amenities in and around the plot and, hence, they could not develop it. The MIDC repeatedly issued notices to the petitioners and finally took the physical possession of the plot on 10/06/2021.

4. The learned Advocate for the MIDC submits that a plot cannot be handed over to a lease holder in perpetuity. If the petitioners cannot develop the plot, there are several other persons who are willing to take the plot and develop it. The MIDC would be in deep financial trouble if plots are allocated to individuals or entities and no development takes place on the said plots for the purpose for which they were allotted, for decades together. Hence, the MIDC was justified in taking over the plot after issuing repeated notices to the petitioners and after a decade of allotment of the plot.

5. The learned Advocate further submits that plots are allotted only through online applications pursuant to advertisements that are published by the MIDC. If any advertisement issued in the near future includes the present plot or any other plot, the petitioners are at liberty to tender online applications and depending upon the rules and policies applicable, the allotment would be made.

6. The learned Advocate for the petitioners submits on instructions that the petitioners may apply pursuant to a new advertisement, if published by the MIDC. If all things are equal, the MIDC may consider giving priority to the petitioners.

7. In view of the above, this petition is disposed off. The petitioners are at liberty to make online applications for allotment of a plot in pursuance to any advertisement published by the MIDC. In the event, the applications of these petitioners are found to be one of the best and at par with any such application, the MIDC may consider granting preference to the petitioners.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

gawade/-.