

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5023 OF 2021

YASHASWI MAHILA SEVABHAVI SANSTHA THROUGH IT'S
PRESIDENT MANISHA UTTAM KHARAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.M.D.Gitte, Advocate for the petitioner.
Mr.S.G.Sangle, AGP for the respondent/State.
Mr.S.S.Dande, Advocate for respondent Nos. 2 and 3.

(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)

DATE : APRIL 1, 2022

PER COURT :

1. By this petition, the petitioner has put forth prayer clauses B, C and D as under :-

"B. By way of writ of certiorari or any other writ, order or directions in the like nature, the impugned communication letter dated 03.02.2020 issued by the Respondent No.3, thereby refusing allotment of the land / open space No.14 admeasuring 5625 Sq.Mtrs, situation at MIDC, Waluj Area, Aurangabad, to the petitioner, may kindly be quashed and set aside.

C. By way of writ of mandamus or any other writ, order or directions in the like nature, the respondents No.2 and 3 may

kindly be directed to allot the land / open space No.14 admeasuring 5625 Sq.Mtrs. situated at MIDC Waluj Area, Aurangabad, to the petitioner.

D. Pending hearing and final disposal of this writ petition, the Respondent Nos.2 and 3 may kindly be directed not to allot the land / open space No.14 admeasuring 5625 Sq.Mtrs. situated at MIDC Waluj Area, Aurangabad, to anybody."

2. The learned Advocate for the petitioner highlights the various social activities performed by the petitioner like distributing fruits to the poor persons, transporting accident victims to the hospital and holding blood donation camps.

3. However, by this petition, the petitioner prays for allotment of an industrial open plot in the MIDC Industrial Area of Aurangabad and that too the open plot which the petitioner has identified. Contention is that clause No.5-B of the Government Resolution dated 14/12/2017 issued by respondent No.1 approving a special Policy - 2017 for woman entrepreneurs by creating employment opportunities and promoting commercial entrepreneurs, entitles the petitioner to seek a plot. The petitioner contends that the petitioner desires to plant trees and create a beautiful garden. The petitioner also desires to create a library. The

MIDC has granted open space to women entrepreneurs for the purpose of starting malls, commercial centers, market places by charging 25% additional fee and 15% additional FSI.

4. The learned Advocate representing the MIDC narrates the pit falls suffered by the MIDC earlier. He refers to the judgment of this Court dated 20.02.2014 in WP No. 9279/2012 as well as the order passed in the Review Petition dated 26.09.2014 imposing costs on MIDC for having allotted plots by direct allotment without following the auction procedure.

5. Considering the above, we are not inclined to consider this petition. Nevertheless, the petitioner would be at liberty to compete with all applicants, as the plots are allotted by auction in such industrial areas where 80% of the plots / open spaces have been allotted by following a due procedure and the remainder 20% are to be allotted through the auction process.

6. As such, this petition stands dismissed.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)