

ISM

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

**CIVIL APPELLATE JURISDICTION**

**CIVIL WRIT PETITION NO. 3086 OF 2022  
WITH  
INTERIM APPLICATION NO. 2943 OF 2022**

**NARAYAN SHANKAR PATIL**

**....PETITIONER**

**V/s.**

**STATE OF MAHARASHTRA THR. COLLECTOR ..RESPONDENTS  
THANE AND ORS**

**Mr. Sandesh D. Patil a/w Mr. Vishal Raman i/b Mr. Prithviraj S. Gole  
Advocate for the Petitioner**

**Mr. C. D. Mali AGP for State**

**Mr. Ashish Gabhale i/b Jay & Co. for Respondent no. 2 MIDC**

**CORAM : NITIN W. SAMBRE, J.**

**DATE: MAY 2, 2022.**

**P.C.:**

1) It is the contention of counsel for the Petitioner that instead of adhering to the provisions of Section 39 of the Maharashtra Industrial Development Corporation Act, 1961 whereby Petitioner from whom the property is acquired is entitled to offer of allotment of the same. His case is MIDC does not want to use the same and as

such has allotted the same to private builder/developer. MIDC has failed to adhere to the said provisions of law.

2) Having appreciated the aforesaid contentions, it appears that third party in whose favour allotment is alleged is neither challenged nor such party is before the Court. No such issue was canvassed or looked into by the Court below. That being so, Petition stands disposed of.

3) However, Petitioner is at liberty to canvass such issue before the Trial Court by taking recourse to appropriate proceedings which be decided on its own merits without being influenced by withdrawal of present Petition.

4) In view of withdrawal of Petition, Interim Application also stands disposed of.

**[NITIN W. SAMBRE, J.]**