

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.8441 OF 2019**

Umashankar Pande & Ors. .... Petitioners

Vs.

State of Maharashtra & Ors. .... Respondents

Mr. Rakesh V. Misar i/b M/s.Kachwala Misar and Co. for the  
Petitioners

Mr.Prashant Chawan a/w Ms.Aishwarya Ghanate i/b  
M/s.Navdeep Vora and Associates for the Respondent nos.2 to  
4 MIDC

**CORAM: S.V. GANGAPURWALA &  
M. G. SEWLIKAR, JJ.**

**DATED : APRIL 20, 2022**

**P.C.**

1. We have heard the learned Counsel for the Petitioners  
and the learned Counsel for the MIDC.

2. It appears that the agreement was entered into in the year  
2008 for allotment of land to the Petitioners. The plots were  
to be allotted to about 80 PAP (Project Affected Persons). It is  
submitted by the learned counsel for MIDC that majority of

the plot holders requested for 33% of the plot be permitted for commercial use. At the relevant time, nobody raised any objection for the same. The condition is that 33% of the construction has to be used for commercial purpose and remaining 66% for industrial use.

3. MIDC has proposed to allot plot no.PAP-46 adjoining the road situated in Pale Industrial Area to the Petitioners.

4. The learned Counsel for the Petitioners submits that the Petitioners had inspected the said plot and found that there is a nala passing through the plot. The learned counsel for the MIDC on instructions submits that no such nala passes from the said plot.

5. The policy as existing on the date will have to be adhered to by all the parties. The Petitioners are ready to accept the proposed plot PAP-46 at Pale Industrial Area. It is submitted by the learned counsel for the MIDC that within three weeks of the payment being made, the possession of the plot PAP-46 would be handed over to the Petitioners. Statement is accepted.

6. The MIDC shall hand over PAP-46 to the Petitioners within three weeks of the Petitioners making the payment of the amount as agreed.

7. The plot that would be handed over to the Petitioners shall be free from encumbrances and as assured by MIDC that no nala or stream passes through the said plot, MIDC shall ensure the same. The learned counsel for MIDC states that offer given under the earlier letter now stands lapsed. MIDC would give fresh offer within one week from today on the same terms and conditions. Said statement is accepted.

8. Needless to state that MIDC shall measure and demarcate the plot at the time of putting the Petitioner in possession of the same. The learned counsel for the Petitioner submits that Petitioner no.4 is present in court.

9. Writ Petition stands disposed of. No costs.

(M. G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)