

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

WRIT PETITION NO.5174 OF 2023

**DIGVIJAYSING GANESHSING BAYAS
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY INDUSTRY AND OTHERS**

....

Mr. D. L. Khinvasara a/w Mr. V. D. Khinvasara, Advocates for
Petitioner

Mr. V. M. Kagne, AGP for respondent – State

Mr. S. G. Karlekar, Advocate h/f Mr. S. S. Dande, Advocate for
MIDC

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WITH

WRIT PETITION NO. 1666 OF 2019

**DIGVIJAYSING GANESHSING BAYAS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Ms Pratibha J. Bharad, Advocate for Petitioner

Mr. V. M. Kagne, AGP for respondent – State

Mr. S. G. Karlekar, Advocate h/f Mr. S. S. Dande, Advocate for
MIDC

....

WITH

**WRIT PETITION NO. 178 OF 2020
DIGVIJAYSING GANESHSING BAYAS
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. R. J. Nirmal, Advocate for Petitioner

Mr. V. M. Kagne, AGP for respondent – State

Mr. S. G. Karlekar, Advocate h/f Mr. S. S. Dande, Advocate for
MIDC

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 28.06.2023

PER COURT :-

1 In Writ Petition No.5174 of 2023, the learned Advocate Shri R. R. Kale has withdrawn his appearance on behalf of the Petitioner on account of certain personal issues in his interaction with the Petitioner.

2. Today, learned Advocate Ms Bharad desires to withdraw her appearance for personal reasons in Writ Petition No.1666/2019. In Writ Petition No.178/2020, the learned Advocate Shri R. J. Nirmal desires to withdraw his appearance due to personal reasons.

3. Mr. D. L. Khinvasara, the learned Advocate has caused appearance in Writ Petition No.5174 of 2023.

4. Having considered the submissions of the learned Advocate Shri Khinvasara and the learned Advocate on behalf of M.I.D.C., the conduct of the Petitioner is glaring. Exfacie, there is material suppression, though we may not consider the same as we intend to resolve the problem of the Petitioner.

5, When Plot No.C-34/5 was allotted to the Petitioner, he did not visit the site for three years on the spacious plea and there were no amenities after receiving the said plot on 08.05.2015. He claims that he visited the plot some time in 2018 and more specifically he saw a '*Nala*' on 01.10.2018 and hence, he moved a representation dated 22.10.2018.

6. In the first petition, he sought an exchange of the plot allotted to him with Plot No.A-1/2/1. In the second petition, when his request for exchange was accepted and was allotted plot No.C-15, he challenged the terms imposed on him. In the third petition, he has again raised the same cause, which was raised in the first petition, and prayed that Plot No. C-34/5 may be taken back by the M.I.D.C. and now he be allotted Plot No.1 (E-22).

7. The above aspects are not set out in the third petition which we heard on 07.06.2023. We went by the pleadings in the petition. We were not aware that the 2019 petition was pending, though the Petitioner has made a statement in paragraph 9 of the third petition. Being oblivious of the orders passed by this Court on 05.02.2019 [Coram: Prasanna B. Varale (as His Lordship then was)]

and S. M. Gavhane, JJ.], we directed in our order that the M.I.D.C. would not allot plot No.1(E-22) to any person or industry.

8. Having noticed today, that Writ Petition No.1666/2019 is still pending and can be considered, Writ Petition No.5174/2023 need not be entertained in the same cause. We could have imposed costs, but are refraining from doing so since Shri Khinvasara submits that the Petitioner is a young person of 30 years of age and dreams and aspires to be an industrialist. Hence, **Writ Petition No.5174/2023 is disposed off**. Needless to state, the interim relief stands vacated.

9. Insofar as the two petitioners are concerned, i.e. Writ Petition Nos. 1666/2019 and Writ Petition No.178/2020, we request Shri Khinvasara to take instructions from the Petitioner as the cause with regard to seeking exchange for plot No.C-34/5 in the same M.I.D.C. area, can still be considered by us. If the Petitioner is cooperative, we would try to resolve this issue by requesting the M.I.D.C. to adopt a stand which would resolve the grievance of the Petitioner and afford him an opportunity of setting up an industry.

10. List both these petitions on 19.07.2023.

11. In the meanwhile, the M.I.D.C. would consider as to whether there is any plot available and would also come up with any proposal which would ensure that M.I.D.C. is not put to any loss and at the same time the Petitioner gets an opportunity of acquiring a plot. Needless to state, the terms of development as suggested by M.I.D.C. will be binding on the Petitioner.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS