

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO.9124 OF 2021

CITY AND INDUSTRIAL DEVELOPMENT CORPORATION OF
MAHARASHTRA LTD THROUGH MANAGING DIRECTOR
VERSUS
REGISTRAR (JUDICIAL) HIGH COURT OF BOMBAY BENCH AT
AURANGABAD AND ANOTHER

Mr.A.S.Bajaj, Advocate for the applicant.
Mr.S.G.Karlekar, AGP for the respondent/State.
Mr.A.B.Kadethankar, Advocate for the petitioner in PIL.
Mr.R.N.Dhorde, Sr.Counsel a/w Mr.V.S.Kadam, for respondent No.3.
Mr.J.R.Shah, Advocate for respondent No.11.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : JANUARY 5, 2023

PER COURT :

1. By this application, the Cidco has put forth prayer clause "B" as under :-

"B. The applicants may be permitted to grant necessary approval to the MGM Trust for using 15% of the land of the built-up area in the plots allotted for the purpose of Club and Stadium ancillary commercial purpose."

2. It is contended that this Court delivered an order on 15.10.2003

in WP No.421/1986. Certain directions were issued to the Cidco. Subsequently, by order dated 13.11.2014, this Court disposed off WP No.421/1986 observing that if there are any further grievances, they can be voiced independently before this Court in separate writ petitions.

3. The learned Advocate representing Cidco submits that a board meeting No.629 was convened on 17.04.2021 and Cidco granted permission for ancillary use upto 15 percent in built up area of the plots allotted for social facility purpose. The board decision was taken on 17.04.2021 in the light of the introduction of the Unified Development Control and Promotion Regulations for Maharashtra State dated 02.12.2020, by the Urban Development Department, State of Maharashtra.

4. Respondent No.3 Mahatma Gandhi Mission Charitable Trust (hereinafter referred to as Trust) has made an application before Cidco on 14.08.2020 praying for use of 15 percent of their lands for certain activities. By this civil application, Cidco seeks the permission of the High Court as to whether such permission can be granted to the

Trust.

5. We are of the view that this application need not be entertained by the High Court after WP No.421/1986 has been disposed off with certain directions. After about 8 years, we are not required to entertain the application of Cidco, which practically calls upon the High Court to interpret the decision taken by Cidco permitting 15 percent ancillary use. It is for the Cidco Authorities to apply their mind, consider the law applicable and take a decision. The High Court is not required to either interpret their new decision or issue any clarification. The Cidco can take a decision and any party aggrieved by the said decision, is at liberty to avail of a remedy as is permissible in Law.

6. In view of the above, this civil application is disposed off.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)