

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

WRIT PETITION NO. 11427/2022

PARBHANI DISTRICT INDUSTRIAL DEVELOPMENT SOCIETY THROUGH
ITS AUTHORIZED SIGNATORY

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...

Mr. Shailendra S. Gangakhedkar, Advocate for the petitioner.

Mr. S.S. Bora, Advocate for respondent No.6

Mr. S.S. Dande, Advocate for respondent Nos. 3 to 5.

Mr. P.K. Lakhotiya, AGP for respondent Nos. 1 and 2.

**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 3rd APRIL, 2023

P.C.:-

Heard Mr. Gangakhedkar for the petitioner.

2. The petitioner, a registered public trust, claims to have been allotted a plot by the respondent No.3 - MIDC. According to him, the area in which the plot allotted to the petitioner is located, is never handed over by the respondent No.6 and that being so, the respondent No.6 sans any authority to levy taxes and hence, the demand issued to the petitioner is liable to be set aside.

3. Mr. Bora, counsel for the respondent No.6 raised a preliminary objection as to the maintainability of the petition, as according to him, an efficacious remedy in the form of appeal is

available to the petitioner under Section 406 of the Maharashtra Municipal Corporations Act. He invited attention of this court to the provisions of Section 406 of the Maharashtra Municipal Corporations Act.

4. We have appreciated the aforesaid submissions.

5. In view of the availability of alternate remedy which the petitioner has failed to avail, we do not see any reason to entertain the petition. Petition, as such, is dismissed.

[S.G. CHAPALGAONKAR]
JUDGE

[NITIN W. SAMBRE]
JUDGE

grt/-