

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8562 OF 2023

Accurate Industrial Controls Pvt Ltd ...Petitioner
Versus
Regional Officer-I Pune & Ors ...Respondents

Mr Vishal Kanade, i/b Rupesh Lanjekar, for the Petitioner.
Dr Birendra Saraf, Advocate General, with Navdeep Vora, i/b
Navdeep Vora & Associates, for Respondent No. 1-MIDC.
Dr Veerendra Tulzapurkar, Senior Advocate, with Raghav
Bhargava, i/b Trilegal, for Respondent No. 3.

CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 8th August 2023

PC:-

1. The Petition dismisses itself. The Affidavit in Rejoinder makes matters worse.

2. Prayers (a) and (b) of the Petition read thus:

“(a) This Hon’ble Court may please to call for record of allotment made by the Respondent Corporation in plot No. E-5 in Talegaon Industrial Area Phase II in Land Allotment Committee meeting held on 01.06.2023 and after going through the same, this Hon’ble Court be pleased to declared that the allotment of an area admeasuring 40,000

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Sq. Mtr. in Plot No. E-5 in Talegaon Industrial Area Phase II in favour of the Respondent No. 3 is made without following due procedure and hence is illegal and further be pleased to quash and set aside the same;

(b) This Hon'ble Court be pleased to issue a writ of mandamus or any other Writ or direction, thereby directing the Respondent Corporation to allot an area admeasuring 60,000 Sq. Mtrs in Talegaon Industrial Area Phase II and preferably in Plot No. E-5."

3. On the face of it, these prayers would be difficult to grant. But a look at the contents of the Petition from sub paragraph 5(k) onwards shows that the entire case of the Petitioner is based on disputed questions of fact and serious allegations of mala fides. These cannot possibly be assessed in a Writ Petition.

4. For example, paragraph 5(k) says that an allotment to the 3rd Respondent of the disputed land was to oblige the 3rd Respondent "or to someone under whose pressure" Maharashtra Industrial Development Corporation ("MIDC") allotted the land to the 3rd Respondent. Then there is in sub paragraph (ii), a set of averments regarding notings made by MIDC officers on the dates of certain meetings. Sub paragraph (iii) at page 9 only needs to be quoted:

"all the notes are made to suit the need of 3rd Respondent and might have been made after the actual allotment is made".

5. Sub paragraph (iv) purporting to be grounds says that there is a "convenient" change in the place of allotment although the number of the application remains the same. Sub paragraph (v) deals

with something called further irregularity and at page 11, there is an allegation that the Respondents were “hand in glove”. Sub paragraph (vii) at page 13 speaks of drawings being inconsistent. The Affidavit in Rejoinder then says it is filed to throw light on “the nexus between MIDC and the 3rd Respondent”. There is an allegation of a lack of transparency, a cover up, and so on. Sub-paragraph (F) at page 229 says that 3rd Respondent made a false Affidavit. There is a dispute as to possession raised at page 230 and at page 231, the allegation is that since MIDC could not give possession because itself it did not have it, last minute changes were made to favour the 3rd Respondent.

6. We cannot pronounce on the correctness of these allegations in a Writ Petition. It is open to the Petitioner to adopt appropriate proceedings.

7. There is an ad-interim order dated 12th July 2023 which said that the remaining area would not be further transacted by the MIDC. If the Petition itself cannot be entertained, we do not see how such an order can be continued. It is for the Petitioner to obtain appropriate relief on making out a sufficient case in a properly instituted proceeding before a jurisdictionally competent court.

8. The Petition is rejected. There will be no order as to costs.

(Neela Gokhale, J)

(G. S. Patel, J)