

Jvs.

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

WRIT PETITION NO. 14862 OF 2022

Dnyaneshwar Balasaheb Shitole	}	Petitioner
Versus		
Maharashtra Industrial	}	
Development Corporation & Anr.	}	Respondents

Mr. Anant Vadgaonkar h/f. Savita Prabhune
for the petitioner.

Ms. Shyamali Gadre with Ms. Harshita
Bhanushali i/b. Little & Co. for respondent
no. 1 (MIDC).

Ms. R. A. Salunkhe, AGP for respondent
no. 2 (State).

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ.
& ARIF S. DOCTOR, J.**

DATE: 1st SEPTEMBER 2023

P.C.:

- 1.** Heard Mr. Vadgaonkar, learned counsel for the petitioner and Ms. Gadre, learned counsel for respondent no. 1.
- 2.** The petitioner appears to have applied for allotment of a plot developed by respondent no. 1-Maharashtra Industrial Development Corporation (hereafter referred to as "the Corporation"); however, before his application could be processed and final decision could be taken, the Corporation issued a circular dated 26th September 2016, which embodies various policy decisions governing allotment of plots by the

Corporation. One of the decisions contained in the said circular dated 26th September 2016 is that the Corporation shall make allotment of plots through the process of auction. The petitioner has challenged the said circular dated 26th September 2016 primarily on the ground that since his application for allotment of plot was already pending and before disposal of the same, that is to say, before taking any final decision on the application of the petitioner for allotment, the policy decision contained in the circular dated 26th September 2016 was taken and hence the same, so far as the petitioner is concerned, cannot be applied.

3. No other ground has been urged challenging the circular dated 26th September 2016.

4. We are afraid, we cannot accept the arguments raised by the learned counsel for the petitioner for the simple reason that merely because the petitioner had made an application prior to issuance of the circular dated 26th September 2016 for allotment of plot, it does not entitle him to seek allotment of the plot by way of a mode of his choice. Making such an application also does not create any vested right in the petitioner to seek allotment of the plot in accordance with the earlier mode of allotment.

5. For the reasons aforesaid, we do not find any ground to interfere with the impugned circular dated 26th September 2016. The writ petition is highly misconceived, which is hereby dismissed.

6. We may, however, provide that in case the petitioner makes any application pursuant to the allotment process

which may be resorted to by the Corporation as per the circular dated 26th September 2016 or any other rule or policy decision which may be in vogue, his prayer/application shall also be considered on its own merit.

JAYANT
VISHWANATH
SALUNKE

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(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)