

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15398 OF 2023

Anant Kisan Keni, ... Petitioner
through His Power of Attorney Holder
Devendra Anant Keni
Versus

The State of Maharashtra, ... Respondents
through the Secretary Ministry of
Industries & Ors.

WITH
WRIT PETITION NO. 15673 OF 2023

Pandharinath Anant Koli (Kharkar) ... Petitioner
Versus

The State of Maharashtra, ... Respondents
through the Secretary Ministry of
Industries & Ors.

Mr. Vishal Kanade a/w. Mr. Prakash Mahadik for the Petitioner in
WP/15398/2023.

Mr. Sanjay Thodake for the Petitioner in WP/15673/2023.

Mrs. S. S. Bhende, AGP for Respondent-State.

Mr. Akshay S., Karlekar i/b. Shreeyog Law Associates for Respondent Nos. 2
to 12-MIDC in both Petitions.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 3 January, 2024

P.C.

1. We have heard Mr. Kanade and Mr. Thodake, learned Counsel for the Petitioners, Mr. Karlekar, learned Counsel for MIDC and Mrs. Bhende, learned Assistant Government Pleader for the State.

2. The case of the Petitioners is that they are project affected persons since their lands were acquired for the purpose of MIDC. There appears to be no dispute on this aspect. It also appears that the Petitioners also deposited requisite amount as called upon by the MIDC for allotment of alternate land. It is the Petitioners contention that persons who were similarly situated as the Petitioners have already been allotted lands as per the policy of MIDC, however the Petitioners are yet to be allotted the lands despite the deposit of the requisite amounts. It is stated that earlier an attempt was made to allot alternate land to the Petitioners, however, as the plots allotted were not suitable, such allotment did not fructify.

3. Considering the above facts and the circumstances, we are of the opinion that it would be appropriate that, if the Petitioners are entitled and they are so recognized by the MIDC, in that event the MIDC shall appraise the Petitioners of the available plots which can be allotted. Let such plots be identified. If they are acceptable to the Petitioners, and subject to the Petitioners complying all the requisites, MIDC can take appropriate decision in accordance with law. Let such exercise be completed within a period of six weeks from today. We also direct that till the allotment in favour of the Petitioner is finalized, MIDC shall not undertake any similar allotment, without the leave of this Court on any other claims.

4. Needless to observe that the plot which is allotted to the Petitioners shall be free from encroachment and it should be a clear plot.

5. We keep open all the contentions of the Petitioners. In the event, after this entire exercise is completed, there are other grievances, the Petitioners are free to adopt appropriate proceedings as may be permissible in law.

6. We, accordingly, dispose of the Petition keeping open all the contentions of the parties.

7. In the peculiar facts and circumstances, MIDC will certainly take into consideration the grievance of the Petitioners in regard to the interest component and an appropriate decision be taken in that regard, in accordance with law. In the event the decision in this regard is adverse to the Petitioners, the Petitioners are free to approach the Court in fresh proceedings.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)