



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.13503 OF 2025

Shri Bharat Govardhandas Jain,
Age-68 years, Occu:Agri.,
R/o-House No.482, Manmad Jin,
Opp. Water Tank Dhule,
Taluka and District-Dhule.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Industries, Energy and Labour
Department, Mantralaya,
Mumbai,
- 2) The Maharashtra Industrial
Development Corporation,
Through its Regional Officer,
M.I.D.C., Dhule, District-Dhule,
- 3) The Executive Engineer,
M.I.D.C. Division, Dhule,
District-Dhule,
- 4) The General Manager,
District Industries Centre (DIC),
Dhule, District-Dhule.

...RESPONDENTS

...
Mr. Gajanan Tirthkar Advocate h/f. Mr. Devenra R. Bagul
Advocate for Petitioner.
Mr. A.B. Girase, Additional G.P. for Respondent – State.

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**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 2nd DECEMBER, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Petition has been filed for following reliefs:-

"B) By way of appropriate Writ order or directions in the like nature, the order dated 28.11.2024 passed by the respondent no.2 may kindly be quashed and set aside and the respondent authorities be directed to allot/exchange any other suitable plot at Nardana Industrial Area instead of Plot bearing No.E-2 adm. 2100 sq. mtrs. From Nardana Industrial Area;

C) By way of appropriate Writ order or directions in the like nature, the respondent authorities be directed to decide the proposal submitted by the General Manager (Land Acquisition) dated 06.11.2020 in respect of deletion of name of forest from the Gat No. 313 situated at Nardana, Taluka and District-Dhule. "

2. Heard learned Advocate Mr. Tirthkar holding for learned Advocate Mr. Bagul for the petitioner and learned Additional Government Pleader Mr. Tambe appearing for the respondent-State.

3. Learned Advocate for the petitioner submits that the petitioner intended to start an industrial unit and had applied for

grant of plot to respondent No.2 on 14th March 2011. By letter dated 30th March 2011, the petitioner was directed to remain present in the head office of respondent No.2 at Nashik on 6th April 2011. After negotiations, respondent No.2, by its order dated 2nd December 2011, allotted the plot No.E-2 admeasuring 2100 sq. meters in Nardana Industrial Area for setting up an industrial unit for manufacturing chili powder. The amount of premium was fixed and accordingly it was paid by the petitioner. The lease agreement was executed on 4th July 2012. The license was for five years, which could be then extended further. The condition was imposed that the petitioner shall commence and complete the construction activities of the industrial unit within a period of five years from the date of agreement. After the said agreement, the M.I.D.C., handed over the plot to the petitioner on 18th April 2013, after actual measurement and demarcation. Sanction for erecting the building was approved on 3rd July 2017. However, the petitioner could not start the construction and therefore, he made an application on 19th January 2018, for grant of extension of lease. It was directed to him by letter dated 2nd February 2018, that he should file the application online. Accordingly, the petitioner made the application online. Thereafter, the Regional Officer, M.I.D.C., Dhule by order dated

4th December 2018, extended the time of lease up to 3rd July 2019, on the condition that further non refundable additional payment of Rs.50,400/- should be deposited. Accordingly, the petitioner deposited the said amount and started the construction. It was completed till plinth. When the construction activity was in full swing, the officers from Forest Department asked the petitioner to stop the construction activities contending that the plot bearing No.E-2 is a part of Gat No.313 and Gut No.313 and 314 belongs to Forest Department. Immediately, the petitioner by his applications dated 11th March 2019 and 29th March 2019, brought the said fact the notice of the Regional Officer, M.I.D.C., Dhule. The M.I.D.C., Dhule, in turn, made request to the Collector, Dhule to look into the matter and restrain the forest officers from interfering. Before the expiration of the deadline, the petitioner had then applied to the M.I.D.C. for grant of further extension. The Forest Department again, vide letter dated 26th June 2019, threatened the petitioner for registration of First Information Report. Now, according to the petitioner, neither he is being permitted to make construction nor the Forest Department is allowing him to complete the work of erection of building and therefore, he requested for grant of other suitable plot. However, the said

request came to be rejected by communication dated 28th November 2024 by respondent No.2. Hence, this Petition.

4. We have gone through the documents attached to the Petition. No doubt it appears that the petitioner was awarded plot No.E-2 admeasuring 2100 sq. meters, but on his own inaction, it appears that he was required to seek extension of time. Now, it is stated that the Forest Department is making claim over the said plot area. Letter dated 3rd December 2021 issued by respondent No.2 would show that respondent No.2 has taken up the issue with Mantralaya. In fact area admeasuring 11 Hectare 6 R from Gat No.313 and 6 Hectare 83 R from Gat No.314, is standing in the name of Industries, Energy and Labour Department in 7 X 12 extract and therefore, the request was made that it should be deleted from the notification of the Forest Department. Now, whether to allot an alternative plot to the petitioner or not, would be the prerogative of respondent No.2. It appears that the petitioner is not the only person and there are other plot owners also who are thereby affected and therefore, respondent No.2 states that there is a possibility that even the other plot holders would also ask for the exchange of the plot. In our considered opinion, the matter raises disputed

questions of facts. It also appears from the office note, copy of which has been produced on record, that certain persons i.e. plot holders of Plot Nos. E-6, E-7, E-23, E-24, E-25 have approached the Court where substantially the dispute would be resolved. Therefore, we do not take this to be a fit case where powers under Article 226 of the Constitution of India can be exercised. The Petition suffers from delay and laches. It was possible for the petitioner also to approach the appropriate Court well within time when the first objection was taken.

5. For the aforesaid reasons, the Writ Petition stands dismissed as the threshold.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE