



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

PUBLIC INTEREST LITIGATION NO.107 OF 2005

Bhrashtachar Virodhi Jan
Andolan Samiti (Maharashtra)
branch of District Satara
versus
District Collector, Satara & Ors.

....Petitioner

....Respondents

Mr. Ajit Kenjale with Mr. Azharuddin Khan *for Petitioner.*

Ms. Neha Bhide, Government Pleader with Mr. O.A. Chandurkar, Additional GP and Ms. G.R. Raghuwanshi, AGP *for Respondent Nos.1 and 5/State.*

Mr. Ashwin Kulkarni (*through video conferencing*) with Ms. Shyamali Gadre i/b M/s. Little & Co. *for Respondent Nos.2 to 4.*

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE : 03 JULY 2025.

P.C. (Per : Sandeep V. Marne, J.):

1. The Petitioner has filed the present Petition in public interest seeking the following prayers:

a. this Honourable Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction under Article 226 of the Constitution of India, calling for the records of the allotments made by MIDC for residential purposes in various zones in MIDC, Satara and

perusing the propriety, legality and validity thereof be pleased to quash and set aside the illegal allotments;

b. this Honourable Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction under Article 226 of the Constitution of India, calling for the records of the allotments made by MIDC for residential purposes in various zones in MIDC, Satara and perusing the propriety, legality and validity thereof be pleased to appoint independent enquiry in the manner mode and methods of the allotment;

c. Pending the hearing and final disposal of this PIL this Hon'ble Court be pleased to stay the, any further allotment of residential plots in MIDC Satara and transfer of the plots allotted;

d. Pending the hearing and final disposal of this PIL, this Hon'ble Court may be pleased to stay further development and construction in the allotted plots in residential zone in MIDC, Satara;

e. Pending the hearing and final disposal of this PIL, this Hon'ble Court may be pleased to stay any further allotment and/or transfer of the allotted plots in residential zone in MIDC, Satara;”

2. We have heard Mr. Kenjale, the learned counsel appearing for the Petitioner, Ms. Bhide, the learned Government Pleader appearing for Respondent Nos.1 and 5/State and Mr. Kulkarni, the learned counsel appearing for Respondent Nos.2 to 4-MIDC.

3. The main grievance sought to be raised in the Petition is about allotment made by the Maharashtra Industrial Development Corporation (MIDC) for residential purposes within the area of MIDC, Satara. Mr. Kanjale has submitted that though some residential use of industrial land may be permissible, such

residential use must be restricted only to the labourers working in the concerned MIDC area. He has submitted that the MIDC has however made allotment to persons who are not workers working in the concerned industrial area.

4. The learned counsel appearing for MIDC has drawn our attention to the Affidavit dated 17 March 2010 in support of the contention that MIDC has already taken necessary action in respect of allotments which are made in violation of the policy. The said Affidavit enumerates the steps taken by MIDC in respect of 85 residential plots. Paragraphs 3 and 4 of the said Affidavit read thus:

“3. In accordance with the directions contained in the order dated November 25, 2009, the MIDC has undertaken action in respect of the persons who have been held liable for submitting documents which appear to be not genuine.

(a) In respect of Gagangiri Co-operative Housing Society which was allotted a plot admeasuring 2525 sq. mtrs. being Plot No. R-5, there are 12 members. In the inquiry, it is revealed that the documents tendered by the following persons are not in consonance with the claims made by the said persons viz. 1. Jaysing Godse; 2. Govind Ganpat Barge and 3. Balaso Sopan Jadhav.

(b) Accordingly, the MIDC was pleased to issue Show Cause Notices dated December 15, 2009 to the aforesaid three members and the Chief Promoter of the said Society. Balaso Sopan Jadhav informed vide letter dated December 30, 2009, that his membership to the Society has been terminated as per Resolution No.2 of the Society at its meeting held on 10.12.2001 and, therefore, he is not concerned with the said Society. However, despite this claim an additional Notice was once again issued on 15.2.2010. Pursuant to final notice the MIDC also initiated steps for resuming the said plot of land from the Society. However, the Chief Promoter of the Society filed a Regular Civil Suit no. 73 of 2010 in the Court of the 2nd Joint Civil Judge, Senior Division, Satara. In the

said proceedings, the Court has been pleased to pass the orders of status quo.

Additionally, Criminal Complaints have been filed against the said three persons who have presently obtained bail.

(c) In respect of Sairatna Co-operative Housing Society which was allotted a plot admeasuring 1200 sq. mtrs. being Plot No.R-1/5, there are 6 members. In the inquiry, it is been revealed that the documents tendered by the following persons are not in consonance with the claims made by the said persons viz. 1. Mahadev Laxman Yedage; 2. Kiran Vithal Nalawade; 3. Rajendra Vyankappa Pawar; 4. Sou. Sushila Mahadev Mane and 5. Sou. Suvarna Vasant Kokare.

(d) Accordingly, the MIDC was pleased to issue Show Cause Notices dated December 15, 2009 to the aforesaid five members and the Chief Promoter of the said Society. Mr. Mahadev Laxman Yedage informed vide letter dated December 24, 2009, that his membership to the Society has been terminated as per Resolution No.2 of the Society at its meeting held on 10.12.2001 and, therefore, he is not concerned with the said Society. He stated that he has not submitted any documents like salary certificate nor has he signed on any documents of MIDC and that he is not a member. However, despite this claim an additional Show Cause Notice was once again issued on 15.2.2010. Pursuant to final notices, the MIDC also initiated steps for resuming the said plot of land from the Society. However, the Chief Promoter of the Society filed a Regular Civil Suit no. 78 of 2010 in the 2nd Joint Civil Judge, Senior Division, Satara. In the said proceedings, the Court has been pleased to pass the orders of status quo.

Additionally, Criminal Complaints have been filed against the said five persons who have presently obtained bail.

4. I say that accordingly, the MIDC has initiated actions in accordance with law against the aforesaid persons. Annexed hereto and marked as **EXHIBIT 2 COLLY** are copies of the said Show Cause Notices, First Information Reports and Complaints respectively."

5. Since steps are already taken by MIDC in pursuance of the orders passed by this Court, we are of the view that nothing

remains to be adjudicated in the present Petition. In the event any action still needs to be taken in respect of any unauthorized allotment, the same shall be taken by MIDC strictly in accordance with law after giving an opportunity of hearing to the affected parties.

6. With the above observations, the Petition is **disposed of**.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)