

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10028 OF 2024

- 1. Nitin Kashinath Jadhav**
Age : 48 Years, Occupation : Agriculturist,
Residing at : Anandvali, District : Nashik.
- 2. Shivram Keshav Kadlag**
Age : 48 Years, Occupation : Agriculturist,
At and post : Anandvali, Taluka : Nashik,
District : Nashik.

Both Petitioners through their Constituted Attorney:-

Mr.Deoram Parvat Sathe

Age : 60 Years, Occupation : Business,
A-11, Nilkamal Society, New Pandit Colony,
Nashik.

...Petitioners

Versus

- 1. Maharashtra Industrial Development Corporation,**
Statutory Corporation, being an Undertaking of the Government of Maharashtra, Having its Registered Office at “Udyog Sarathi”, Marol Indl. Area, Mahakali Caves Road, Andheri (East), Mumbai : 400 093, and having its Regional Office at MIDC, The Regional Officer, Maharashtra Industrial Development Corporation, Udyog Bhavan, Triambak Road, Nashik.
- 2. The State of Maharashtra**
Through Department of Industries, Energy, Labour, Mantralaya, Mumbai : 400 032.

...Respondents

Mr.Rajshekhar Govilkar (Sr.Advocate) a/w Ms.Shaba N. Khan i/b.

Mr.Mihir Govilkar, for Petitioners.

Ms.Reena A. Salunkhe, AGP, for Respondent No.2 – State.

**CORAM: SUMAN SHYAM &
S. M. MODAK, JJ.**

DATED: 16th DECEMBER 2025.

ORDER : (PER : S. M. MODAK, J.)

1. Considering the limited issue involved, we have finally heard the parties at the admission stage.
2. Learned Senior Advocate Shri. Govilkar argued for the Petitioners whereas learned AGP Ms. Reena Salunkhe argued for the Respondent No.2 – State. Though the Respondent No.1 – MIDC is acquiring body, there is no representation from their side.
3. The claim involved in this Petition is about entitlement of the Petitioners of certain amount on the ground of return of vacant land. There was water supply scheme for MIDC. The lands belonging to the Petitioner were acquired. The Award was passed on 2nd June 1990. Out of those acquired lands, Gat No.65/3 is owned by the Petitioner No.1 whereas Gat No.29/A and 63 were owned by the Petitioner No.2. They contend that they have handed over possession. However, compensation is not paid to them. There are lots of correspondence in between the Petitioners, MIDC and the State Government but to no avail. The correspondence is as follows:-

- (a) Letter dated 08.04.2011 sent by Regional Officer, MIDC to the Deputy Chief Executive Officer, MIDC. It was informed that the land is to be sold by way of auction and it was directed to prepare proposal.
- (b) Letter dated 31.10.2012 written by Regional Officer, to General Manager, Acquisition informing about the rates on the basis of use of land (these rates are informed by Sub-Registrar office).
- (c) Letter dated 25.10.2013 written by Deputy Collector, Acquisition to Regional officer, MIDC informing following facts:-
 - (i) Compensation is not paid to the owners of the land
 - (ii) Possession of the land was taken by MIDC by discussion
 - (iii) MIDC was asked to verify whether the rent was paid by MIDC to the owners of the land.
- (d) Letter written by Sub-Registrar dated 17.01.2017 addressed to the Manager, Acquisition MIDC informing the valuation.
- (e) The order passed by Minister Industry and Mines dated 18.04.2017 directing to fix rates as per 2012

ready reckoner rate and directing to recover the amount by MIDC from the owners of land and then owners be handed over the possession of the land.

- (f) Possession receipt dated 16.05.2017 executed by M/s. Sarang Hotel Private Limited.
- (g) Letter written by Petitioner No. 1 and Petitioner No. 2 dated 13.03.2019 addressed to Executive officer, MIDC requesting to fix the rate as per 2012 ready reckoner rate.
- (h) Letter by area Manager Acquisition addressed to Regional Officer, dated 05.04.2019, asking to prepare the certificate as per ready reckoner zoning.
- (i) Letter dated 01.12.2020 addressed by Regional Officer, MIDC to the General Manager Acquisition thereby annexing 2012 ready reckoner rates.
- (j) The representation made by Petitioners to Minister (Industry) dated 12.12.2023 thereby showing willingness to pay the rate of 1800 per sq. mtr. as per 2012 ready reckoner.

4. The provisions of Section 39 of the Maharashtra Industrial Development Act, 1961 are relevant. The important provisions is quoted as below :-

“Section 39 Disposal of land by the Corporation – (1)

Subject to any directions given by the State Government under this Act, the Corporation may dispose of --

- (a) any land acquired by the State Government and transferred to it, without undertaking or carrying out any development thereon; or*
- (b) any such land after undertaking or carrying out such development as it thinks fit, to such persons in such manner and subject to such terms and conditions, as it considers expedient for securing the purposes of this Act.”*

5. It is a matter of record that Anandvali Water Supply Scheme has been abandoned. There is a letter dated 8th April 2011 written by the Regional Officer – MIDC – Nashik to the Deputy Chief Executive Officer – MIDC – Mumbai. It is also true that the Regional Officer – Nashik vide his letter dated 31st October 2012 written to the General Manager (Acquisition) MIDC – Mumbai has communicated the rates to be paid for the land situated in “*No Development Zone*” and for other lands. Even on one occasion, learned Minister, Industry and Mines has given direction on 18th April 2017 to recover the amount from the owners for the purpose of returning the land to them.

6. It seems that there is a dispute in between the owners on one hand and the MIDC and the Government on the other hand, in respect of the amount to be recovered from the owners in case the land is returned to them. There are two representations which are pending/ filed by the Petitioners with the Government. They are dated 12th December 2022 and 13th March 2023. A decision has not been taken on those representations. This is not in dispute. Therefore, we feel that a direction can be given to the Government to decide those representations on merits. If the MIDC is not in need of the land and if it is to be returned to the owners, the amount to be recovered from the Petitioners needs to be crystalized. Hence, the order:-

ORDER

- (i) The Respondent No.2 is directed to decide the representations dated 12th December 2022 and 13th March 2023 as early as possible, not later than eight (8) weeks from today.
 - (ii) It is made clear that we have not made any observation about the merits of the matter and the Respondent may decide the representations as per its own merits, after giving opportunity of hearing to the Petitioners.
7. With these observations, the Writ Petition stands disposed of.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)