

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

WRIT PETITION NO. 2694 OF 2025

XLO India Private Limited	...Petitioner
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Aditya Bapat a/w Akshay Kamble a/w Neha Patil i/b. Vivaka Partners, for the Petitioner.

Mr. Milind Sathe, Senior Counsel a/w Shraddha Dubepatil i/b. Jay & Co., for the Respondent No.2 – MIDC.

Ms. P.J. Gavhane, AGP for Respondent – State.

**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 1 APRIL 2025

P.C.:

1. This petition under Article 226 of the Constitution of India is filed praying for the following reliefs:-

- “(i) This Hon’ble court be pleased to issue a writ of certiorari or a writ in the nature of certiorari and/or any other appropriate writ, order and/or direction calling for the impugned communication dated 28th January 2025 (Exh.A hereto) and after considering the legality, validity and/or constitutionality thereof, this Hon’ble Court be pleased to quash and set aside the same as being illegal and *ultra vires*;
- (ii) This Hon’ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus and/or any other appropriate writ, order and/or direction.”

2. Primarily, the petitioner’s case is to impugn the action of the respondent no.2 – MIDC in terminating the petitioner’s lease of plot

no.54A, as granted to the petitioner under the registered lease deed dated 3 June 2021. Thereafter the said land has been allotted to a third party. However, as asserted by the petitioner the possession of such leased land is with the petitioner. Such letter of the MIDC impugned is letter dated 28 January 2025.

3. Having considered the complexion of the proceedings, in our opinion, it is appropriate that the petitioner files a civil suit to assail the impugned termination of the lease. The petitioner also can move an injunction application praying for interim relief in the civil suit. We accordingly dispose of this petition in terms of the following order:-

ORDER

- (i) Petitioner is at liberty to file a civil suit asserting the termination of the lease by the respondent/MIDC and the consequential actions, qua the lease of plot no.54A, situated at Nashik (Satpur) Industrial Area, admeasuring 10,200 sq. mtrs.
- (ii) The civil suit be filed by the petitioner within three weeks from today before the Civil Court of appropriate jurisdiction, along with injunction application, if so advised.
- (iii) All contentions of the parties on such proceedings are expressly kept open.

- (iv) Merely to enable the petitioner to take recourse to such alternate remedy, we direct that status-quo as of date in respect of the plot in question be maintained for period of six weeks from today. However, granting of such protection shall not be any reflection on the rival contentions of the parties which are expressly kept open to be asserted in the said proceedings.
- (v) Writ Petition is accordingly disposed of in the aforesaid terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]