

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.3538 OF 2025**

- 1. Shri Devram Parvatrao Sathe**  
Age : 60 Years, Occupation : Agriculture and  
Business, Nilkamal Society, New Pandit  
Colony, Nashik : 422 022.
- 2. Shri Manikrao Shivaji Kokate**  
Age : 67 Years, Occupation : Agriculture and  
Politics, Residing at : 704, Nayantara Hills,  
Mayko Circle, Nashik : 422 002.
- 3. Mr.Pradipchandra Narayanrao Pawar**  
Age : 59 Years, Occupation : Agriculture and  
Medical, Residing at : Murkute Colony,  
Gangapur Road, Nashik : 422 022.
- 4. M/s.Sarang Hotels Pvt. Ltd.**  
A company registered under the Indian  
Companies Act, Having its Office at 610,  
Churchgate Chambers, New Marine Lines,  
Mumbai : 400 020.

...Petitioners

***Versus***

- 1. State of Maharashtra**  
Through the Department of Industries,  
Energy & Labour Mantralaya,  
Mumbai : 400 032.
- 2. Maharashtra Industrial Development Corporation,**  
A statutory corporation being an undertaking  
of the Government of Maharashtra, Having its  
Registered Office at Mumbai and its Regional  
Office at MIDC, Udyog Bhavan Satpur,  
Nashik : 422 007.

**3. Nashik Municipal Corporation**

Having his Office at Rajiv Gandhi Bhavan,  
Sharanpur Road, Nashik : 422 002.

...Respondents

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

Mr.Mihir Govilkar, for Petitioners.

**Mr.A.I.Patel, Addl.G.P.** a/w Smt.M.S.Bane, AGP, for Respondent  
No.1 – State.

**Mr.Prashant Chavan (Sr.Advocate)** a/w Ms.Kinjal Jain, for  
Respondent No.2 – MIDC.

**Ms.Chaitrali Deshmukh,** for Respondent No.3 – NMC.

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

**DATED: 16<sup>th</sup> DECEMBER 2025.**

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

1. Considering the limited issue involved, we have heard the parties finally at the admission stage.

2. Learned Senior Advocate Shri.Govilkar argued for the Petitioners whereas the learned Addl.G.P. Mr.A.I.Patel has argued for the Respondent No.1–State. Learned Senior Advocate Shri.Prashant Chavan argued for the Respondent No.2–MIDC and Ms.Chaitrali Deshmukh, learned Advocate argued for the Respondent No.3–Nashik Municipal Corporation.

3. The Government has acquired the land for Anandvali Water Supply Scheme of the MIDC. Even the possession is taken and Award is declared. The compensation was also determined.

However, the owners have not received the amounts till today. The land which was acquired from the predecessor in title of Smt. Babibai Shaikh Saheb Khatib is survey No.66/A admeasuring 1.08 hectares. The Petitioner No.4 – M/s.Sarang Hotels Pvt. Ltd. had purchased this land from said Babibai. It was sold subsequently by the Petitioner No.4 to the Petitioner Nos.1 to 3 vide sale-deed dated 24<sup>th</sup> December 2010. The MIDC contends that once the land is acquired, it vests with MIDC.

4. There was further development. Out of 1.08 hectares, the land admeasuring 2069 sq.mtrs., is transferred to the Nashik Municipal Corporation i.e. Respondent No.3 and the remaining area of 0.87.32 hectares remained with MIDC. However, the MIDC is not in need of the said land because the water supply scheme is abandoned. There was lot of correspondence. They are as follows:-

- (a) The representations dated 23.03.2011 by the Petitioners to the Minister of Industry and Mines to return the unused/undeveloped acquired land to the Petitioner unconditionally and if any amount has to be paid after the valuation of the said land as per the MIDC Rules, the Petitioners were prepared to comply with the requirement of the payment.

- (b) MIDC by its letters dated 07.03.2011 and 08.04.2011 informed the Deputy Chief Officer, MIDC Head Office Mumbai that scheme executed earlier to supply of water to Anandwali had not been completely stopped and it was proposed to be stopped phasewise. Instructions were given to prepare a proposal for sale of said land in possession of MIDC at Anandwali either by public auction or by other way.
- (c) By letter dated 29.07.2013 Regional Officer MIDC informed the Petitioner that the Government of Maharashtra had consented to return the land admeasuring 1.08 hector out of Gat No. 66/A, at Anandwali, except an area of 2069 sq. mtr. which was sold and handed over to the Nashik Municipal Corporation for construction of road.
- (d) The representations dated 02.08.2013 by the Petitioners to the Minister of Industries, Ports, Employment and Self Employment etc. to return the unused/undeveloped acquired land to the Petitioner unconditionally and if any amount has to be paid after the valuation of the said land as per the MIDC

Rules, the Petitioners were prepared to comply with the requirement of the payment.

5. In fact, there was occasion for learned Minister, Industry and Mines to issue directions on 18<sup>th</sup> April 2017 to fix the rates as per 2012 Ready Reckoner Rate and to recover it from the owners in case possession of land is to be returned to the owners.

6. 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.”*

7. The issue in this case that the Petitioners are claiming rent for the period for which the land remained with the MIDC. They also expect the Nashik Municipal Corporation to pay certain amount to them because some land is transferred to the corporation by the MIDC. We have gone through the Affidavit-in-Reply filed by the MIDC. They are disputing the transfer in favour of the Petitioner No.4 and also in favour of the Petitioner Nos.1 to 3.

8. There is representation dated 10<sup>th</sup> April 2024 pending with Nashik Municipal Corporation. The Petitioners want directions to the State and MIDC to return the land and rate be decided as per the market value. We feel that the issue is pending since long and it needs to be decided by the concerned Authorities as early as possible. It is made clear that we have not made any observations about the merits of the claim. In view of that, we direct the Respondent No.3 – Nashik Municipal Corporation to decide the representation dated 10<sup>th</sup> April 2024 as early as possible, not later than six (6) weeks from today. The Petitioners would be at liberty to make a fresh representation to the Government for deciding the rate at which they will pay the amount to the Government for getting back the land. We direct the Petitioners to make such representation within three (3) weeks, if they desire. If such representation is

made, let it be decided by Respondent Nos.1 to 2 within a period of six (6) weeks from the date of representation.

9. With these observations, the Writ Petition is disposed of.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)