

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8126 OF 2025

Sherkhan Nazir Mohd Khan

.....Petitioner

Vs.

The Area Manager Maharashtra

Industrial Development Corporation & Ors.Respondents

Mr. S. G. Kudle, for the Petitioner.

Mr. Tanu Bhatia, AGP for the Respondent Nos.1 to 3-State

Mr. Abhijeet U. Yadav i/b Mr. Dilip Kamath, for the Respondent
Nos.4 & 5.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 23rd JUNE 2025.

P.C.:-

1. The Petitioner seeks a direction to the Respondent No.1-MIDC to ascertain whether the plot in question was wrongly allotted to one Smt. Rekha Rampratap Singh, the Respondent No.4 herein, under the guise of allowing her to enter into a leave and license agreement despite the said plot being allegedly allotted to the Petitioner for running his chemical activity. According to the Petitioner, the official records of the said plot are altered willfully and deliberately at the behest of the Respondent No.4 by the officials of

MIDC and the Maharashtra Pollution Control Board-Respondent Nos. 2 & 3 for commercial gains. He seeks action against the erring officials. It is also the Petitioner's grievance that the Respondent Nos. 2, 3 & 4 be held responsible for Respondent No.6 namely one Sachin Bhele, Deputy Director of Industrial Safety and Health of Kalyan, District-Thane having filed a false criminal case in the Court of the CJM, Thane against the Petitioner. The Petitioner also seeks some incidental relief.

2. Mr. S. G. Kudle appears for the Petitioner and Ms. Tanu Bhatia, learned AGP represents the State. Mr. Abhijeet Yadav, learned counsel appears for Respondent Nos.4 & 5 on advance notice.

3. We heard Mr. Kudle and perused the averments in the Petition. It appears from the averments in the Petition that there are allegations against the Respondents of preparing bogus documents pertaining to the plot of land. It is also the Petitioner's submission that he is carrying out some chemical business on the plot owned by the MIDC. However, the MIDC has now allotted the said plot to the Respondent No.4. There is some contention regarding sub letting of the said plot by the Petitioner which is being held over by the

Respondent No.4. Essentially, the Petitioner seeks a declaration of his title to the said plot and his alleged entitlement to carry out his chemical business on the said plot.

4. The Petition involves a mixed question of facts and law. It is settled position of law that although the High Court is not deprived of its jurisdiction to entertain a Petition under Article 226 merely because in considering the Petitioner's right to relief question of facts may fall for determination. However, it is equally settled that the discretion must be exercised on sound judicial principles. The contentions raised in the present Petition raises questions of fact, which for their determination require oral evidence to be taken and documents to be proved. Thus, considering the issues raised in the matter, we are of the view that the dispute may not appropriately be tried in a Writ Petition under Article 226 of the Constitution of India. We are also of the view that because of the nature of the claims made in the Petition, the dispute sought to be agitated, it would be inappropriate to entertain the Petition under the Writ jurisdiction of the High Court.

5. In view of the aforesaid discussion and considering that

there is an alternate, efficacious and appropriate remedy available to the Petitioner, we are not inclined to entertain the present Petition.

6. Needless to state, that the Petitioner is at liberty to initiate appropriate proceedings before an appropriate forum/Court. We make it clear that we have not gone into the merits of the petition and as such all contentions of all the parties on merits are kept open.

7. Petition is dismissed.

8. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)