

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO.101 OF 2016  
IN  
CROSS OBJECTION ST. NO.5433 OF 2006  
IN  
FIRST APPEAL NO. 154 OF 2006**

**Govindji Walji Kumbhar alias Jethwa (deceased)  
through LRS & Ors.**

**..Applicant**

**In the matter between  
The State of Maharashtra & Ors.**

**..Appellants**

**Vs.**

**Govindji Walji Kumbhar alias Jethwa (deceased)  
through LRS & Ors.**

**..Respondents**

**Mrs. Seema Sarnaik for the Applicant  
Mr. A. R. Patil AGP for the Respondent-State**

**CORAM : R. M. SAVANT, J.  
DATE : 18<sup>th</sup> JULY, 2016**

**P.C.**

1 By the above Civil Application the Applicant prays for a declaration that the letter dated 29-10-2015 issued by the City and Industrial Development Corporation Ltd. (for short CIDCO) be declared as null and void, revoke and cancel the same and declared it to be inoperative by way of interim relief. In the above Civil Application, the Applicants are seeking direction that the CIDCO be directed to allot 4 plots of land under 12.5% scheme within stipulated time. It is alternatively prayed that the Respondents i.e. the State

and CIDCO be directed to release plots of land mentioned in the said prayer clause (c) from acquisition and hand over possession of the same.

2           The First Appeal No.154 of 2006 arises out of the award passed by the Reference Court under Section 18 of the Land Acquisition Act. The State has filed the First Appeal in question aggrieved by the enhancement granted by the Reference Court. The Applicants in the above Civil Application who are the claimants have filed the above Cross Objections dissatisfied with the enhancement granted by the Reference Court. The subject matter of the above First Appeal and Cross Objections is therefore the award passed by the Reference Court. The allotment of plots by CIDCO which is the acquiring body is in terms of the policy of the State Government. The letter dated 29-10-2015 is in respect of cancellation of allotment of two plots of land which were allotted to the Applicants in terms of the policy of the State Government. The challenge to the allotment has therefore no nexus with the subject matter of the First Appeal as well as the Cross Objections which is the award passed by the Reference Court. The entitlement of the Applicants to allotment of plots is an independent right which they have under the policy of the State Government. Hence the relief sought vide the above Civil Application cannot be granted. However, it is open for the Applicants to file independent proceedings to assert their rights under the policy of the State Government including the challenge to the letter dated 29-10-2015. If any such challenge is

raised, the same would have undoubtedly would be considered on its own merits and in accordance with law.

3           With the aforesaid observations, the Civil Application is disposed of.

**[R.M.SAVANT, J]**