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

WRIT PETITION NO. 10723 OF 2017

Balkrishna S/o. Late Laxman Kadu ... Petitioner
Versus
The Managing Director, CIDCO and Ors. ... Respondents

Mr. Rahul Thakur, for the Petitioner.
Mr. Gopal K.S. Hegde, for Respondent Nos. 1 and 2.

**CORAM: SMT. VASANTI A NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**
DATED: 6TH NOVEMBER 2017

PC:-

By this writ petition, the petitioner seeks a direction against respondent no.1 – managing director of the CIDCO to make the allotment of plot admeasuring 2400 Sq. Mtrs. at Ulwe, under 12.5% scheme as conditional allotment, upon executing usual undertaking.

Though it is not in dispute that the petitioner has claimed the benefit of the 12.5% scheme of CIDCO due to the acquisition of the land of his predecessor-in-title, it appears that the petitioner as well as some other persons who are not joined as parties to this writ petition have made rival claims in respect of grant of benefit under the 12.5% scheme and separate suits filed by the petitioners and the other persons that are not joined as parties, are still pending.

In this background, when rival claims are made in respect of

the 12.5% scheme, a direction cannot be issued against the CIDCO in exercise of the writ jurisdiction to grant conditional allotment in favour of the petitioner under the 12.5% scheme.

Since the relief sought by the petitioners cannot be granted in exercise of writ jurisdiction, we dismiss the writ petition with no order as to costs.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A. NAIK, J.)