

2. In the year 2016, CIDCO cancelled allotment of two plots on the ground that the area measured 22.4 R of land was actually not used for agriculture but for running a brick kiln. The contention of the petitioners is they are entitled to have these plots since entire land was assessed as if it was an agricultural land.

3. Since the petitioners admit that there was a brick kiln in the land measuring 22.4 R of land which was non-agricultural land, there is no justification in the claim of the petitioners challenging the cancellation of two developed plots allotted to the petitioners. Alternatively, the petitioner seeks interference of this Court opining that 22.4 R of land ought to have been assessed on the basis of non-agriculture nature and not as a agriculture land.

4. Apparently, Section 18 reference of the Land Acquisition Act was filed which came to be disposed of and the same is the subject-matter of First Appeal No.154 of 2006 and the cross-objection of the petitioners is also pending before this Court. Since cancellation of plots occurred in 2015, it is a subsequent event after filing of the above two appeals. As the subject-matter in the appeal was with regard to enhancement of compensation, it is open to the petitioners to bring on record the subsequent facts since CIDCO itself has admitted that 22.4 R of land was not agriculture land. In that view of the matter, the Writ Petition is disposed of reserving the liberty to the petitioners to urge before the First Appellate Court all issues pertaining to enhancement of compensation.

5. All contentions of both the parties pertaining to enhancement of compensation and nature of land are kept open.
6. Writ Petition is disposed of in the above terms.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)