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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 7269 OF 2016

Dr. Babasaheb Ambedkar Bhajipala
Market Association ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Sanjeev Savant a/w Mr. B. K. Barve, Mr. Sandeep Barve,
Mrs. Sheetal Tanpure i/b Mr. B. K. Barve & Co. for the
Petitioner.

Mr. V. S. Gokhale, 'B' Panel Advocate for Government /
Respondent No.1.

Mr. Sarthak Diwan i/b Mr. A. M. Kulkarni, for Respondent No.2
& 4.

Mr. Sandeep V. Marne for Respondent No.3.

CORAM : R. M. BORDE &
V. M. DESHPANDE, JJ.

DATE : JULY 25, 2018

PC :-

1. The grievance of the Petitioner-Association in this
petition is substantially redressed in view of the decision taken
by the City Industrial Development Corporation of Maharashtra
Ltd. (for short "CIDCO") for allotment of Plot No. 20, Sector 14

and Plot No. 8, Sector 16A, at Sanpada for the purpose of Daily Bazaar / Market to Navi Mumbai Municipal Corporation (for short “NMMC”) vide allotment letters dated 27.10.2014.

2. A copy of communication made by the CIDCO to the Municipal Commissioner, NMMC dated 18.7.2018, tendered in the Court by the learned counsel appearing for Respondent Nos. 2 and 4, is taken on record and marked “X” for identification. It is further recorded in the communication dated 18.7.2018 that NMMC has paid the entire amount of lease premium of both the plots, however, the execution of the Agreement to Lease was held up due to claims raised by the Petitioner herein. It is now decided to execute the Agreement of Lease with the NMMC, which in turn would develop the market and take steps for allotment of stalls on considering representations made by the members of the Petitioner – Association. A direction in that behalf has been issued by the Chief Secretary, Government of Maharashtra in a meeting held on 25.10.2013. It is further recorded in the communication dated 18.7.2018 that as per the

direction given by the Chief Secretary, Government of Maharashtra, NMMC was requested to consider the representation made by the members of the Petitioner Association for allotment of stalls, that shall be constructed on the two plots as per the prevailing policies of NMMC. In view of the directives issued by the Chief Secretary, as well as taking into consideration the purpose for which the plots are allotted and the reservation made by the CIDCO, the claim of the Petitioner shall have to be considered by the NMMC in terms of its prevailing policies. It is expected that Respondent No. 3 NMMC will take appropriate decision expeditiously.

3. In view of above, writ petition stands disposed of.

Sd/-
[V. M. DESHPANDE, J.]

Sd/-
[R. M. BORDE, J.]

Vinayak Halemath