

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 509 OF 2017

Shankar Shimgya Patil

...Petitioner

Versus

City and Industrial Development
Corporation of Maharashtra & ors.

...Respondents

Mr. Akhilesh Dubey, a/w Mr. Vagish Mishra, I/b Law
Counsellors, for the Petitioner.

Mr. Sameer N. Patil, for Respondent nos.1 to 3.

**CORAM: R. M. BORDE &
N. J. JAMADAR, JJ**

DATED: 17th JUNE, 2019

PC:-

1. The Petitioner is the purchaser of a building Plot no.42, Sector no.2, Ulwe (12.5% Scheme) Navi Mumbai, Taluka Panvel, District Raigad. He is objecting to the 'Stop Work Notice' issued by City and Industrial Development Corporation ('CIDCO') on 2nd May, 2012. The notice appears to have been issued on the basis of a communication issued by the Police Authority in respect of presentation of information by Respondent no.4 and registration of crime for commission of offence punishable under Section 420, 467, 468, 506 and 34 of Indian Penal Code.

2. The learned Counsel appearing for the Petitioner informs that the Petitioner and Respondent no.4 have arrived

at settlement and the Consent Terms have been tendered on record on 21st July, 2017 (marked 'X' for identification). The Consent Terms record settlement of dispute between the Petitioner and Respondent no.4 and the parties also agree for quashment of the 'Stop Work Notice'. Since Respondent no.4 has settled the dispute relating to the plot, the 'Stop Work Notice' issued by the CIDCO Authority on the basis of mere communication transmitted by the police authority in respect of the registration of offence and without extending an opportunity of hearing to the Petitioner, needs to be quashed and set aside and the same is accordingly quashed and set aside.

3. In the event of occurrence of any dispute in relation to the building/plot, in question, or disclosure of commission of offence involving Petitioner, it would be open for the CIDCO Authority to take steps as permissible in law as and when cause of action accrues.

4. Writ petition stands disposed of accordingly.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]