

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

WRIT PETITION NO.13549 OF 2018

NRB Educational Social and
Cultural Trust

..... Petitioner

Vs.

The Managing Director, CIDCO
and Ors.

..... Respondents

Mr.P.S.Dani Senior Advocate i/b Mr.Rohan Barge for the
Petitioner

Mr.G.S.Hegde a/w Ms.P.M.Bhansali for the Respondent
(CIDCO)

**CORAM: S.V.GANGAPURWALA &
M.G.SEWLIKAR, JJ.**

DATED : APRIL 22, 2022

P.C.

1. Mr.P.S.Dani, the learned Senior Counsel for the Petitioner submits that on or about 07.02.2008 the Petitioner was allotted 5000 sq. mtr. of land by Respondent no.1. Petitioner is a trust of Project Affected Person. The learned Senior Advocate submits that subsequently, the government came out with a policy for relaxation of the price. The Petitioner approached the Respondent CIDCO and its authorities for relaxing the price. The Applications filed by the Petitioners were not considered and not decided and now, abruptly, the Respondents cancelled the allotment as per the affidavit filed by the Respondents.

2. Mr.Dani, the learned Senior Advocate further submits that in the year 2012 additional 1000 sq. mtrs was also allotted. The Petitioner is an educational institution and is in need of 6000 sq.mtrs of land for establishing its University. According to the learned Senior Advocate, the land in question is reserved for educational purpose.

3. Mr.Hegde the learned Counsel for the Respondent CIDCO submits that allotment letter itself prescribes for payment of instalments. The first installment is to be paid within one month and second within two months. The said condition is incorporated under allotment letter dated 07.02.2008.

4. Upon non payment of the instalments, the allotment automatically stands cancelled. Petitioner did not pay the amount within stipulated period, as such allotment stands cancelled. It is further submitted by the learned Counsel that as per the New Bombay Disposal of Land Regulation, 1975, if payment is not made, then, the agreement between Respondent no.1 and the Petitioner shall stand determined.

5. Mr.Dani the learned Senior Advocate on instructions of the Petitioner submits that Petitioner is in need of 6000 sq.mtr. of land. The said land was allotted to the Petitioner. Petitioner would offer market rate as of date, as applicable to the PAP trust.

6. The Petitioner may make an Application with

Respondent no.1 in that regard. If such Application is made by the Petitioner, Respondent no.1 shall consider the said Application and take decision upon it preferably within three months from the date of Application. In the event, the Application of the Petitioner is favourably considered by the Respondent no.1 then the purpose of the Petition itself would stand served. However, if Application of the Petitioner is not favourably considered by Respondent no.1, then it will be open for Petitioner to take up appropriate proceedings and also assail the original cancellation of allotment, as is assailed in the present Writ Petition.

7. It is made clear that we have not considered the contentions of the parties on merits and they are kept open.

8. Till the Application of the Petitioner is decided by Respondent no.1, status quo as of today with regard to the writ property be maintained.

9. The Petitioner shall make an Application with Respondent no.1 within three weeks. Respondent no.1 shall decide the application made by the Petitioner preferably, within three months.

10. Writ Petition is disposed of. No costs.

(M. G. SEWLIKAR, J.)

(S.V.GANGAPURWALA, J.)