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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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VASANT ANANDRAO
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Date: 2023.03.09
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WRIT PETITION NO.7639 OF 2022

Sukhdev D. Bhambhani

...Petitioner

V/s.

District Collector & District
Magistrate, Raigad & Ors.

...Respondents

Ms.Manisha Keswani for the Petitioner.

Mr.A.I. Patel, Addl.G.P. with Ms.M.S. Bane, AGP for the State –
Respondent No.1.

Mr.Milan Bhise with Mr.Amit Bhawe i/b Milan Bhise & Co. for JNPT –
Respondent Nos.5 to 7.

Mr.Akshay R. Kulkarni i/b Mr.Ashutosh M. Kulkarni for CIDCO –
Respondent Nos.2 and 3.

CORAM : R.D. DHANUKA &
M.M. SATHAYE , JJ.
DATE : 28TH FEBRUARY, 2023.

P.C. :-

1. The matter is placed on board for speaking go the minutes of the order dated 2nd February, 2023 on the application filed by the Respondent Nos.5 to 7.

2. Mr.Bhise, learned counsel for the Respondent Nos.5 to 7 invited our attention to paragraph 5 of the order dated 2nd February,

2023 and submitted that his client did not have any such documents which are required to be produced before CIDCO for deciding the claim of the Petitioner for allotment / distribution of 12.5% of the developed land or any other benefit. All such documents are in the custody of the Petitioner himself. He submitted that the directions issued by this Court in paragraph 5 thus be clarified.

3. Learned counsel for the Petitioner does not dispute that both the documents requisitioned by CIDCO for considering the claim of the Petitioner are in the custody of the Petitioner and the Petitioner would submit those documents to the Respondent Nos.5 to 7 for transmitting those documents to CIDCO to consider the claim of the Petitioner for 12.5% of the developed land or any other benefit. Statement is accepted.

4. In paragraph 5, it is clarified that the Respondent Nos.5 to 7 do not have any such documents in their custody. The documents are with the Petitioner, who will submit those documents to the Respondent Nos.5 to 7 for the purpose of transmission of those documents along with the application, if any, to CIDCO. Learned counsel for the Respondent Nos.5 to 7 is also at liberty to transmit those documents as may be received from the Petitioner to CIDCO for appropriate order.

5. Learned counsel for the Petitioner states that her client

would submit all the documents to the Respondent Nos.5 to 7 within a period of one week from today. Mr.Bhise, learned counsel for the Respondent Nos.5 to 7 states that all those documents that would be submitted by the Petitioner to his client, would be transmitted to CIDCO within a period of one week thereafter.

6. At this stage, learned counsel for the Petitioner tenders a copy of the order dated 21st February, 2023 passed by the Deputy Collector (Acquisition) for deciding the eligibility of the Petitioner to get 12.5% of the developed land. A copy of the said letter is taken on record. In view of the said order, CIDCO is directed to consider the documents which would be transmitted by the Respondent Nos.5 to 7 on behalf of the Petitioner and to pass appropriate order within a period of four weeks from the date of transmission of the documents.

7. The Writ Petition is disposed off in aforesaid terms.

8. Place the matter on board for reporting compliance after eight weeks.

(M.M. SATHAYE , J.)

(R.D. DHANUKA, J.)