

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

**INTERIM APPLICATION NO. 13707 OF 2023
IN
WRIT PETITION NO. 12046 OF 2022**

Manda Shantaram Patil	...Applicant
V/s.	
Pyramid Infratech Co And Ors	...Respondents

Mr. R. D. Soni i/b. Ram & Co., for the Petitioner.
Mr. A. M. Kulkarni for the Respondent Nos. 1 to 3-CIDCO.
Mr. H. G. Wakshe for the Applicant-Intervenor.
Ms. R. M. Shinde AGP for the State.

**CORAM : SUNIL B. SHUKRE &
RAJESH .S. PATIL, JJ.**

DATED : 24th JULY, 2023

P.C.:

1. The Applicant claims to be owner of portion of the land in question, which has been allotted in public auction by the City and Industrial Development Corporation (CIDCO) to the Petitioner. The purpose of allotment is development of the property. The Petitioner contends that there is an encroachment made by somebody, who has made some unauthorized construction over some portion of the plot of land allotted to the Petitioner and since the plot has been allotted for specific purpose by CIDCO, it is the duty of the CIDCO to clear the encroachment which exists in the

nature of unauthorized construction made on portion of the land. Now, this Applicant is contending that the construction, which has been termed by the Petitioner to be unauthorized, in fact is an authorized structure, which has been made by the Applicant and in order to protect that structure, the Applicant has also filed a Regular Civil Suit No.173 of 2022 against the CIDCO in which, the Civil Court has granted injunction in favour of the Applicant and against the CIDCO by order dated 1st March, 2023.

2. Considering the fact that the Applicant is claiming herself to be owner of portion of the land allotted to the Petitioner, it would necessary that such claim of the Applicant is examined by this Court, as such examination of the issue of ownership as claimed by the Applicant may result in putting the controversy at rest. For that purpose, of course, this Applicant would have to be joined as party Respondent to this Petition and not only that, this applicant, after being impleaded as party Respondent to this Petition, would also have to file on record documents of title and ownership in support of the claim made by the Applicant. Accordingly, this Application is allowed. It is directed that the Applicant be impleaded as party Respondent to this Petition. The newly added Respondent is permitted to file reply to this Petition and also documents of title in favour of claim being made by the Applicant.

3. Leave to file additional reply is granted to the CIDCO and leave to file rejoinder is also granted to the Petitioner.

4. Amendment to the cause title be carried out latest by 27th July, 2023 and thereafter the Petition be listed for hearing on 11th August, 2023. Meanwhile, the newly added Respondent to file reply.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)