

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.12493 OF 2022**

UTKARSH  
KAKASAHEB  
BHALERAO

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UTKARSH KAKASAHEB  
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Date: 2023.06.19  
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Mrs. Shobha Param Mudliar & Anr. .. Petitioners

**Versus**

The Additional Chief Executive  
Officer, CIDCO & Anr. .. Respondents

**Mr.Naresh Pradhan a/w Mranal Mandhane & Varsha  
Gupta, Advocates for the Petitioners.**

**Mr.G.S. Hegde, Senior Counsel i/b Ms. P.M. Bhansali,  
Advocates for Respondent No.1 (CIDCO).**

**Mr.N.M. Mehta, AGP, Advocate for Respondent No.2.**

**CORAM : B. P. COLABAWALLA &  
M.M. SATHAYE, JJ.**

**DATE : JUNE 19, 2023**

**P. C.**

**1.** In the above matter it is the submission of the Petitioners that the Petitioners have now been provided a copy of the Award in which it is acknowledged that the Petitioners are Project Affected Persons. The Petitioners now seek to proceed ahead with claiming their legal entitlement, including 12.5% land under the 12.5% scheme from Respondent No.2. For claiming this entitlement, the Petitioners have also filed an application on 27<sup>th</sup> April, 2023 before Respondent No.2.

**2.** The learned advocate appearing on behalf of the Petitioners therefore seeks a direction against Respondent No.2 to process the Petitioners' application at the earliest as it has been more than 5 decades since Petitioners land was acquired by the State.

**3.** The learned senior counsel appearing on behalf of Respondent No.1 has stated that the application referred to above and filed by the Petitioners, is before Respondent No.2 when in fact same ought to be filed before Respondent No.1 who is the authority which will determine whether the Petitioners are entitled to any entitlement under the 12.5% scheme floated by the State.

**4.** Faced with this situation, the learned counsel appearing on behalf of the Petitioners has stated that they shall file a fresh application before Respondent No.1 within a period of 1 week from today. It is accordingly directed that if such an application is filed, Respondent No.1 is requested to consider the aforesaid application on merits and in accordance with law within a period of 3 months from the date of receipt of the application from the Petitioner.

5. In light of these directions the learned advocate appearing on behalf of the Petitioners seeks to unconditionally withdraw the above writ petition.

6. It is accordingly dismissed as withdrawn. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

**[ M.M. SATHAYE, J.]**

**[ B. P. COLABAWALLA, J.]**