

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

WRIT PETITION NO. 5453 OF 2022

M/S. VILLA REALCON LLP ..PETITIONER
VS.
STATE OF MAHARASHTRA & ORS ..RESPONDENTS

Mr SG Deshmukh i/b Abhijeet J Kandarkar, for the Petitioner.
Mr Ashutosh M Kulkarni, with Akshay R Kulkarni, for Respondents Nos. 2 & 3-CIDCO.
Mr Prabhakar M Jadhav, for Respondent No. 5.
Mr SV Gavand, for the Respondent-Corporation.
Mr KB Dighe, Addl GP, with PN Diwan, AGP, for the Respondent-State.

**CORAM : M. S. KARNIK &
KAMAL KHATA, JJ.**

DATE : MAY 09, 2024

P.C.:

1. Heard learned counsel for the Petitioner. Our attention is invited to the order dated 15th January 2024 of the State Government (Urban Development Department). We are not referring to the facts in detail. Suffice it to observe that pursuant to the stay granted by the State Government, a decision was not taken by the City and Industrial

Development Corporation of Maharashtra (“**CIDCO**”) on the Petitioners claim over the subject land in question. Now that the State Government has vacated the stay for the reasons mentioned in the order as clarified in the order itself, CIDCO will have to take a decision on the claim of the Petitioner which is pending before it.

2. Learned Advocate for the CIDCO submitted that the decision on the pending claim will be taken as expeditiously as possible and preferably within a period of 12 weeks from the date this order is placed for its consideration after hearing the Petitioner and all concerned.

3. The respondent No. 5 is free to resort to appropriate remedies available in law for claiming additional allotment. The claim will obviously be considered in accordance with law. Needless to mention, if the Petitioner intends to claim damages against any of the Respondents, they will have to pursue independent remedies in accordance with law.

4. In this view of the matter, nothing further needs to be done in the present Petition. As a consequence of the vacation of the stay by the State Government, the stop work notice will have to be set aside and it is accordingly set

aside.

5. Petition is disposed of. No order as to costs.

(KAMAL KHATA, J.)

(M. S. KARNIK, J.)