

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12755 OF 2024

M-s. S.k Enterprises Thr. Its Partner And Ors. ...Petitioners
Versus
The State Of Maharashtra And Ors. ...Respondents

Mr. Rishabh Shah i/b Dr. Suneet Gupta, for Petitioner.

Ms. S. D. Vyas Addl. G. P. a/w M. S. Bane AGP for State.

Mr. Rohit Sakhadeo for Respondent Nos. 3 & 4 – CIDCO.

Mr. Atul Damle, Sr. Advocate i/b Vikram N. Walwalkar, for Respondent
Nos.5A to 5E.

Mr. Y. S. Jahagirdar, Sr. Advocate a/w Mr. Suresh Sabrad, Amey Sawant,
Neha Zanje, Pratik Sabrad, for Respondent No.6.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 21 NOVEMBER 2024

P.C.

1. This petition under Article 226 of the Constitution of India is filed,
praying for the following reliefs:

“A] rule be issued, record and proceedings be called for:

B] to issue an appropriate writ, order or direction to quash and set aside
the order/letter dated 11 July 2024 issued by Respondent no. 4 in
respect of plot bearing no. 178A, admeasuring 800 square meters
situated at Sector 17, Ulwe, Navi Mumbai:

C] this Hon'ble Court be pleased to direct Respondent no. 4 to cancel
the allotment in in respect of plot bearing no. 178A, admeasuring 800
square meters situated at Sector 17, Ulwe, Navi Mumbai to Respondent
no. 6 if granted;

D] this Hon'ble Court be pleased to direct the Respondents herein to maintain status quo in respect of plot bearing no. 178A, admeasuring 800 square meters situated at Sector 17, Ulwe, Navi Mumbai till final disposal of the said suit filed by the Petitioners in the Court of Learned Civil Judge [Senior Division] Panvel at Panvel;

E] Pending the hearing and final disposal of this Writ Petition, the Respondents be directed to maintain status quo in respect of plot bearing no. 178A, admeasuring 800 square meters situated at Sector 17, Ulwe, Navi Mumbai;

F] Pending the hearing and final disposal of this Writ Petition the Respondent nos. 1 to 4 and 7 be restrained from issuing any allotment letter and executing Agreement to Lease in favour of Respondent no. 6 in in respect of plot bearing no. 1781 A, admeasuring 800 square meters situated at Sector 17, Ulwe, Navi Mumbai;

G] Pending the hearing and final disposal of this Writ Petition, the order/letter dated 11 July 2024 issued by Respondent no. 4 be stayed;

H] Pending the hearing and final disposal of this Writ Petition that if there is any Allotment letter is issued by Respondent nos. 1 to 4 and 7, the same be stayed;

I] Ad-interim and Interim Reliefs in terms of above prayer clauses [e], [f], [g] and [h] be granted to the Petitioners;

J] Any other reliefs as may be deemed fit and proper as may please be granted in favour of the Petitioners herein.”

2. Reply affidavits are filed on behalf all the respondents.
3. Mr. Sakhadeo, learned counsel for CIDCO has also tendered his reply affidavit.
4. It appears to be an admitted position that there is a Civil Suit filed by the petitioners asserting its legal rights in respect of the land subject matter of the present proceedings as also subject matter of the allotment of alternate land by the CIDCO in favour of Respondent No.6.

5. It is, hence, appropriate that the petitioners assert all contentions in the suit being Special Civil Suit No.200 of 2024 pending before the Court of Civil Judge Senior Division at Panvel.
6. We are also informed that the petitioners have filed an Interim Application in such suit which is pending adjudication as also the respondent No.6 has filed an application under Order 7 Rule XII of the Code of Civil Procedure which is also stated to be pending.
7. We accordingly dispose of this petition, permitting the petitioner to urge all contentions in the pending suit including on clubbing of the pending Interim Applications.
8. All contention of the parties are expressly kept open.
9. Disposed of. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI , J.)