
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13107 OF 2024

M/s. Hindustan Builders

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr.Cyrus Ardeshir, senior counsel a/w Suresh Sabrad, Amey Sawant, Abubakar Patel, Pournima Sawant, Pratik Sabrad i/b Jeetenndra Sachhdev, Advocates for the Petitioner.

UTKARSH
KAKASAHEB
BHALERAO

Mr.G.S. Hegde, senior counsel (through V.C.) a/w P.M. Bhansali, Advocates for Respondent No.2-CIDCO.

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Date: 2024.09.19
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Ms.S.D.Vyas, Addl. G.P. a/w Savina R. Crasto, AGP for State.

Mr.Telesh Dande, Advocate for Respondent No.5.

CORAM :B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE : SEPTEMBER 19, 2024

P. C.

1. The above Writ Petition is filed seeking an appropriate writ, order or direction that this Court be pleased to quash and set aside the Letter dated 12th September 2024 issued by Respondent No.3 Estate Officer (HQ), CIDCO. By the impugned letter the Petitioner has been

asked to handover possession of Commercial Plot No.68 admeasuring 4000 sq.mtrs. in Sector 11 at CBD-Belapur, Navi Mumbai (**the said plot**).

2. The matter has been urgently moved because CIDCO is going to take possession today. There is some dispute as to whether possession has been taken or not. According to Mr.Hegde, the learned senior counsel appearing on behalf of CIDCO, the possession has been taken by preparing a panchnama. On the other hand, Mr.Ardeshir, the learned senior counsel appearing on behalf of the Petitioner, on instructions, states that they are still in physical possession of the said plot and that status has to be maintained during the pendency of this Writ Petition, failing which the Writ Petition itself would be rendered infructuous.

3. In the above matter we would like CIDCO to file a detailed reply on or before 3rd October 2024 and a copy of the same be served on the advocates for the Petitioner. If the Petitioner wants to file any affidavit-in-rejoinder, they may do so, on or before 10th October 2024 and serve a copy of the same on the advocates for CIDCO.

4. In the meanwhile, and without prejudice to the rights and contentions of the parties, it is directed that the Petitioner shall not be physically dispossessed from the said plot till 16th October 2024.

5. Place the above matter for ad-interim relief on 14th October 2024.

6. 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.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]