

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 14584 OF 2022

Madhukar Trimbak Deshmukh. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

WITH

INTERIM APPLICATION NO. 8123 OF 2024

IN

WRIT PETITION NO. 14584 OF 2022

M/s.S.K. Enterprises and others. ... Applicants.

In the matter between

Madhukar Trimbak Deshmukh. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

WITH

WRIT PETITION NO. 12273 OF 2022

Smt.Sulochana Chandrakant Deshmukh
deceased through legal heirs Shri Jayawant
Chandrakant Deshmukh and others.

... Petitioners.

V/s.

The State of Maharashtra and others. ... Respondents.

WITH

INTERIM APPLICATION NO. 8124 OF 2024

IN

WRIT PETITION NO. 12273 OF 2022

M/s.S.K. Enterprises and others. ... Applicants.

In the matter between

Smt.Sulochana Chandrakant Deshmukh
deceased through legal heirs Shri Jayawant
Chandrakant Deshmukh and others.

... Petitioners.

V/s.

The State of Maharashtra and others. ... Respondents.

SANJAY
KASHINATH
NANOSKAR

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SANJAY KASHINATH
NANOSKAR

Date: 2024.05.06
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Mr.Suresh Sabrad for the Petitioner in WP-14584/22 and for Respondent No.6 in WP-12273/22.

Mr.R.D.Suryawanshi for the Petitioners in WP-12273/22 and for Respondent Nos.5A to 5E in WP-14584/22.

Ms.Nisha Mehra, AGP for Respondent Nos.1 and 2 WP-14584/22 and V.M.Mali, AGP for Respondent No.1 and 2 in WP-12273/22.

Mr.Akshay R. Kulkarni i/b. Ashutosh M. Kulkarni for the Respondent- CIDCO.

Mr.Vijay Kumar Aggarwal with Ms.S. Shaikh for the Intervener Applicants in IA Nos.8123/22 and 8124/22.

**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 29 April 2024.

P.C. :

Heard the learned counsel for the parties.

2. The Petitioner- Madhukar Trimbak Deshmukh through his Power of Attorney has moved this Writ Petition No.14584/2022 for a direction to the Respondent- City and Industrial Development Corporation for allotment of plot. This petition is opposed by Respondent Nos.5A to 5E who are the Petitioners in Writ Petition No.12273/2022.

3. The learned counsel for the Petitioner in Writ Petition No.14584/2022 submitted that the Petitioner therein be permitted

to withdraw the petition as Respondent Nos.5A to 5E have given consent to the Petitioner to file application for allotment.

4. We have perused the Power of Attorney. It gives power to develop the plot and to enter into transactions with the Authorities and the parties.

5. The applicants in the intervention applications oppose the settlement between the Petitioner and Respondent Nos.5A and 5E. The learned counsel for the Interveners contends that the Interveners are entitled to the said plot No.178A admeasuring 800 sq.meters situated at Sector- 17, Ulwe.

6. Therefore, the position is that the Petitioner and Respondent Nos.5A to 5E who are Petitioners in the Writ Petition No.12273/2022 have settled their disputes and are seeking the said plot without any contest, while the Interveners are also claiming this plot. As of today, there is no allotment of the plot by the Respondent- CIDCO. On this backdrop, we find that it is premature to entertain any of the disputes as the Respondent- CIDCO has yet to take any decision regarding allotment of the plot.

7. We direct that the Respondent- CIDCO, before it decides to allot the plot, will permit the Petitioners, Respondent Nos.5A to 5E and the Interveners to submit their say and thereafter

will pass an appropriate order for allotment of the plot. The parties who are aggrieved by the allotment order passed by the Respondent- CIDCO will have their own remedies open.

8. Both the writ petition and the interim applications are disposed of accordingly.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)