

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2502 OF 2024

Manaswi Milind Ghag and Ors. ... Petitioners

V/s.

State of Maharashtra through the ... Respondents
Government Pleader and Ors.

Mr. K.P. Anilkumar and Priyanka Kumar, for the Petitioners.

Mr. B.V. Samand, Addl. G.P. with Ms. Ashwini Purav, AGP, for the respondent no. 1

Mr. Pankaj Das, for the respondent no. 2.

Mr. Mutahhav Khan, for the respondent no. 3/official liquidator.

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

DATE : 19th MARCH 2025.

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

- a) That this Hon'ble Court be pleased to issue a Writ of Mandamus to the Respondents directing them to transfer the property including its structure, the residential premises occupied by them situated within the village limit of Boisor, Palgar District built in the plot of Respondent No. 2, in the name of the petitioners.

b) That this Hon'ble Court be pleased to issue a Writ of Mandamus directing Respondent Nos. 1 to 3 to transfer the premises in occupation by the Petitioners, owned by Respondent No. 2 to the Petitioners for consideration, as has been done in the case of other companies, Tata and Camlin Ltd.

c) In the alternative to prayer (a) and (b) above, that this Hon'ble Court be pleased to declare that Petitioners are entitled to occupy and enjoy the premises including the property thereof without any hindrance or obstructions from Respondents.

2. The contention as urged by the petitioners and more particularly, considering the company M/s Navinon India Ltd. (formerly Indian Dyestuff Ltd.) is in liquidation and the tenements in question are on the land which was leased by the CIDCO to be said company, in liquidation, which were occupied by the petitioners, in the capacity of the employees of the said company in relation to which prayers are made. We, however, find that in making the prayers which is for issuance of a writ of mandamus, the petitioners have not approached the respondent no. 2-CIDCO in making a demand for justice or any appropriate forum.

3. In the aforesaid circumstances, we are of the opinion that this petition can be disposed of by permitting the petitioner to make a representation to respondent no. 2-CIDCO. On such representation the designated officer of the CIDCO, needs to hear the petitioner as also respondent no. 2/official liquidator and any other stake holders to

take an appropriate decision on the application which will be made by the petitioners.

4. Let such application be made within a period of two weeks from today and if so made, the same be decided after an opportunity of a hearing being granted to parties and in accordance with law, and within a period of four weeks from the date of filing of such representation.

5. We clarify that the aforesaid directions are issued, without delving on the rival contentions and the merits of the issue which would be the subject matter for consideration by the CIDCO.

6. Needless to observe that it would also be open to the petitioner to move an appropriate application before the company court.

7. All contentions of the parties are expressly kept open.

8. Petition stands disposed of in the above terms. No costs.

(ADVAIT M. SETHNA, J)

(G.S. KULKARNI, J)