

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15820 OF 2024

Muzammil Abdul Majid Patel,  
Age:- 38 years,  
Residing at 131/2, Tawale Mohalla,  
Taloja Pachnand, Taloja Majkur,  
Taluka Panvel, District Raigad 410208

...Petitioner

**Versus**

1. The City and Industrial Development Corporation (Maharashtra) Limited, Having its registered office at Nirmal, 2<sup>nd</sup> floor, Nariman Point, Mumbai -400021 and having its Head Office at CIDCO Bhavan, C.B.D. Belapur, Navi Mumbai 400614.  
Through its Managing Director.
2. The Joint Managing Director, CIDCO Bhavan, C.B.D. Belapur, Navi-Mumbai 4000614.
3. The Chief Land and Land Survey Officer, 12.5% Scheme, CIDCO Limited, Department of Land, First Floor, CIDCO Bhavan, C.B.D. Belapur, Navi-Mumbai 400614.
4. The State of Maharashtra  
Through its Secretary,  
Department of Urban Development,  
Mantralaya, Mumbai- 400032.

...Respondents

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Adv. Sachin S. Punde a/w Suraj B. Jadhav, for the Petitioner.  
Adv. Rohit Sakhadeo, for the Respondent Nos. 1 to 3.  
Adv. Rupali Shinde, AGP for the Respondent No.4.

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

**DATE : 29 JANUARY 2025**

**P.C.:**

1. This writ petition filed under article article 226 of the Constitution of India praying for the following substantive reliefs which read thus:-

- (A) *This Honourable High Court be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction and/or Order in the nature of Writ calling for the records and documents pertaining to the above Said Plot i.e. Plot No. 148 admeasuring 1299.91 square metres, Sector 50 situated in Dronagiri Node, Taluka Uran, District Raigad and after perusal and examination thereof;*
- (B) *This Honourable High Court be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction and/or Order in the nature of Writ directing Respondent No. 1 to 3 and its Officers to forthwith allot and alternate Plot admeasuring an area of 350 square meter or an area equivalent to 325 to 350 Square Meter to the Petitioner in an area having basic infrastructural facilities.*
- (C) *To pass such other and further Orders, as this Honourable High Court deems fit, on the facts and in the circumstances of the case.*

2. Mr. Sachin S. Pune, learned counsel for the petitioner, at the outset would submit that the petitioner has approached this Hon'ble Court for allotment of alternate land to be granted by the respondent - CIDCO under its policy framed under Board Resolution dated 18 February 2019. The plot allotted to the petitioner is situated in a buffer zone of 50 meters along with the mangroves and CRZ-1 ("*subject plot*" for short) where development and construction is impermissible. The petitioner along with his co-sharer had applied for allotment of alternate plot on 16 November 2023 to CIDCO. However, the request of the petitioner in this regard is not acceded to. At this juncture we observe that the relief in this petition is limited to the request of the petitioner for allotment of an grant of alternate plot of land by the CIDCO.

3. Mr. Rohit Sukhdeo, learned counsel for the respondent would oppose the petition. He placed reliance on an affidavit in reply on behalf of the respondent Nos. 1 to 3 filed by one Dipak V. Kshirsagar dated 27 January 2025. In this regard Mr. Sukhdeo would submit that the grievance of the petitioner in regard to allotment of alternate plot of land is under consideration by respondent nos. 1 to 3. A final decision would be taken by the competent authority of the said respondents not later than within a period of six weeks. In this context para 16 of the affidavit in reply, which read thus:-

*“16. In the present case, after all the relevant inputs are received the same will be analyzed and processed further in accordance with the prevalent policies and regulations of the Corporation. Thereafter, the final decision can be taken by competent authority of the Corporation as to whether the subject plot needs to be considered as a fit case for cancellation and eligible for allotment of alternate plot to the extent of the Petitioner's interest. CIDCO's competent authority shall endeavor to take the said decision of cancellation of allotment of the subject plot within period of 6 weeks.”*

4. Considering the stand taken by CIDCO in its affidavit in reply as noted above, in our view the following order would meet the ends of justice:-

### **ORDER**

(i) The competent authority of the respondent nos. 1 to 3 shall decide on the petitioner's application for allotment of alternate land on its own merits and in accordance with law as expeditiously as possible, not later than within a period of six weeks from the date of this order is made available to the competent authority of

respondent nos. 1 to 3.

(ii) All rights and contentions of the parties are expressly kept open.

(iii) Writ Petition is disposed of in the above terms.

No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]