

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1112 OF 2025
IN
WRIT PETITION NO. 1489 OF 2016

M/s Devraj Builders & Developers
through Partners ...Applicants

In the matter between
Dilip Gopal Naik & Anr ...Petitioners

Versus

The State of Maharashtra
through Secretary & Ors ...Respondents

AMOL
PREMNATH
JADHAV

Digitally signed by
AMOL PREMNATH
JADHAV
Date: 2025.03.04
16:47:24 +0530

WITH
WRIT PETITION NO. 1489 OF 2016

Dilip Gopal Naik & Anr ...Petitioners

Versus

The State of Maharashtra
through Secretary & Ors ...Respondents

Mr Sachin Punde, with Mr Kaustubh Patil, Mr Suraj B. Jadhav,
for the Petitioners.

Mr Sunil I Jayakar, with Ms. Gunjan Jayakar, Mr Miheer
Jayakar, for the Applicant/Intervenor in IA.

Mr GS Hegde, Senior Advocate, with Mr Soham Bhalerao, i/b,
DSK Legal, for the Respondent No. 4-CIDCO.

Mr A I Patel, Addl GP, with Ms Bane, AGP, for the
Respondent-State.

CORAM M.S. Sonak &
 Jitendra Jain, JJ.
DATED: 27 February 2025

PC:-

1. Mr Jayakar the learned Counsel for the Intervenor submits that The Intervenor is a bona fide allottee without notice of this Petition or the orders made therein. He pointed out that before purchasing or acquiring the plot in question, the Intervenor gave a public notice in the newspapers. Even that was not responded. He submitted that the Intervenor has spent about 7.61 Crores for acquisition of the plot. He relied on **Noida Industrial Development Authority Vs Ravindra Kumar & Ors¹** and **Sahara India Commercial Cooperation Ltd & Ors Vs State of Uttar Pradesh & Ors²** in support of his contention based on equities.

2. Mr Jayakar submitted that he adopts the arguments on behalf of the remaining Respondents opposing the grant of any reliefs in this Petition. However, without prejudice he submitted that even if there is any merit in the Petitioners' contentions, the allotment favouring the intervenor or predecessor in title of the intervenor may not be disturbed.

3. Mr Sachin Punde the learned Counsel for the Petitioners states that the decision relied upon by Mr Patel is of the Gujarat High Court and therefore, the same does not bind this Court. He submitted that the decisions which bind this Court

¹ (2022) 13 SCC 468

² (2017) 11 SCC 339

have already been cited by the Petitioners in Writ Petition No. 1488 of 2016.

4. As in the other cases, upon conclusion of the arguments, we reserve the matter for judgment and order.

(Jitendra Jain, J)

(M.S. Sonak, J)