

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No. 14686 of 2025

Vile Parle Marble Dealers Association
Satyam Marble,
Azad Road, Western Express Highway
Vile Parle (East),
Mumbai 400 057.

... Petitioners

V/s.

1. State of Maharashtra

2. CIDCO Ltd.
Belapur, Navi Mumbai.

3. Managing Director,
CIDCO Ltd.
Belapur, Navi Mumbai.

4. The Marketing Officer-I
CIDCO Ltd.
Belapur, Navi Mumbai

... Respondents.

Mr. Chirag Mody a/w. Rishikesh Soni a/w. Sandhya Yadav i/b. Ashok
Purohit & Co. for the petitioners.

Mr. Soham Bhalerao i/b. DSK Legal for the respondents-CIDCO.
Mr. S.H. Kankal, AGP for the State.

**CORAM : M.S. KARNIK &
S.M. MODAK, JJ.**

DATED : 1st April 2026

ORDER (PER S.M. MODAK, J) :

1. Heard learned counsel for the parties.
2. As the main prayer in this petition is to direct Respondents to decide representation dated 26th June 2025 made by the Petitioner, we have heard the petition finally. The facts which are relevant for considering this prayer are stated as below:

- (A) The Respondent No.2- CIDCO Ltd. is a New Town Development Authority constituted for city of Navi Mumbai as per the provisions of Section 113 of the Maharashtra Regional Town Planning Act, 1966. The Respondent No.3 is its Managing Director and Respondent No.4 is the Marketing Officer-I whereas Respondent No.1 is the State of Maharashtra.
- (B) The Petitioner is an Association registered as per the provisions of Maharashtra Co-operative Societies Act. It is formed by the dealers who run the business of marble. For the purpose of expansion of business they were in search of plots. There are 30 members in the Petitioner's association.
- (C) CIDCO published an advertisement inviting offers from the members of public for setting up a Marble Market in Sector 23, Kalamboli, Navi Mumbai. The Petitioner applied on

behalf of 30 members for allotment of one plot each.

- (D) CIDCO has issued a Letter of Intent dated 7th October 2003 for allotment of plot bearing No. 197 to 204 and plots bearing No. 209 to 228. The rate of the plot is Rs.1840 per sq. meter. The total lease premium for all these plots comes to Rs. 1,77,19,200/-.
- (E) Out of the said amount a sum of Rs.17,71,920 was deposited. The Petitioner contend that 10% of the lease premium was deposited and on that CIDCO has issued allotment letters to all the members.
- (F) Thereafter, the members of the Petitioner-Association has to deposit 90% of the lease premium into two installments. The said amount is deposited. As the issue is limited, we have not gone into details of total payment.
- (G) Thereafter the plot needs to be de-marcated and then CIDCO was expected to execute agreement for lease. There was a civil Suit No.20/2005 filed by M/s. Sai Shraddha Marble Association before the Civil Court, Panvel. Suit was dismissed on 27th July 2010. During that period there was an injunction against the CIDCO from dealing with the subject property.
- (H) Thereafter, there were several correspondence made by the

Petitioner asking the CIDCO to complete the remaining formalities. However, CIDCO has failed to complete the formalities.

- (I) There was a Writ Petition No.6118/2013 filed by some of the members of Petitioner-association. The said writ petition was disposed of on 9th September 2015 and liberty was granted to those Petitioners and other Intervenors to challenge the Resolution dated 9th March 2015 by exhausting the remedy. By the said Resolution CIDCO has decided not to allot the plots to the members. On enquiry it was learnt that CIDCO has granted allotment of 5 plots to 5 members who were the Petitioners in Writ Petition No.6118/2013 and by sidelining other 25 members of the Petitioner-association.
- (J) Due to the persistent follow up, there is a resolution passed by the CIDCO on 6th September 2023. Decision was taken to hold computerised draw of allotments alongwith revised Plot numbers to the members of the Petitioners. In spite of said decision no further action was taken and hence the Petitioner has written to CIDCO on 30th March 2024 and 2nd August 2024 and finally made a comprehensive representation on 24th June 2025 addressed to Urban Development Department and CIDCO and other authorities.

3. Still further decision is not taken and that is why present petition is filed for issuing a writ of mandamus. It is true that there is a letter dated 16th August 2007 (Page 140-A) sent by Under Secretary to the Managing Director of the CIDCO to regularise the allotment to members of the association (which are part of suspicious transactions noted in Dr. Shankaran's Committee). It is very well true that the issue is pending since 2003. The record reveals that the dispute was raised challenging the allotment in favour of the Petitioner, however, the civil suit has come to an end. Now even the Government has decided to regularise the allotment in favour of the Petitioner. On this background, further procedure needs to be complied with at the level of the Government and at the level of CIDCO. It is expected from the Respondents to decide that representation finally on its own merits and in accordance with law. The decision be communicated to the petitioner.

4. On this background, we are inclined to issue directions to Respondents. It is a legitimate expectation of the Petitioner that final decision will be taken by the Respondents at the earliest. Hence, the following order:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The Respondent No.1 and the Respondent Nos.2 to 4 are directed to decide the representation made by the Petitioner on 26th June 2025 about allotment of plots to its members as

early as possible not later than 12 weeks from the date of communication of this order.

- (iii) They are at liberty to take appropriate decision by following procedure and law.
 - (iv) The Petitioner to communicate this order to all the Respondents.
5. With these directions, Writ Petition is disposed of.

(S.M. MODAK, J.)

(M.S.KARNIK, J.)