

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4020 OF 2012

Mr.Madan Namdev Madhavi & ors .. Petitioners
V/s
The Managing Director, CIDCO
Ltd and others .. Respondents

...

Mrs.V.K.Jagdale, Advocate for the petitioners.
Mr.Flemant Prabhulkar i/b M/s.Juris Consultus for respondent nos.1 and 2.
Mrs.M.P. Thakur, AGP for respondent State.

**CORAM: DR. MANJULA CHELLUR, CJ. &
G.S. KULKARNI, J.**

DATED: 7th FEBRUARY, 2017

P.C.:-

1 What we notice from the records is that the land belonging to the petitioners though was initially acquired for the benefit of Maharashtra Industrial Development Corporation (for short known as 'MIDC') later on, the said land was handed over to CIDCO - respondent no.1 since it was appointed as the New Town Development Authority by virtue of sub-section (3-A) of Section 113 of Maharashtra Regional and Town Planning Act (for short "MRTP Act"). According to the petitioners, in terms of resolutions made by CIDCO on 6th March 1990, and later, on 28th October 1994, they are entitled to have 12.5 % plot (residential area) in terms of the rules or the guidelines adopted by CIDCO, especially similarly situated persons having acquired benefit of such land

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along with the payment of compensation. According to respondent no.1 - CIDCO, the denial of such benefit is mainly on the letter dated 19th November 2009 at Exhibit-A page 84 received from the Government wherein they clearly indicated that even if compensation is received, they are entitled for land at 12.5% as per the scheme.

2 It is also seen from the records that initially there was proposal not to allot 12.5% of land once compensation is received by the land user, but said decision was revived in the year 1994. Apparently, people who lost land for the benefit of PWD and MIDC were extended this benefit of 12.5% of the scheme.

3 In that view of the matter, we do not understand why the petitioners' case should be treated as 'stand alone' totally discriminating the case of the petitioners. We fail to understand the stand of CIDCO that by oversight, they have allotted 12.5% land as indicated at pages 47, 48, 49 and 53. We do not know whether any steps are taken by CIDCO if they have wrongly allotted the land. We expect a clear affidavit of CIDCO on this within 10 days from today.

4 List the matter on 20th February 2017.

(G.S.KULKARNI, J)

(CHIEF JUSTICE)