

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

**WRIT PETITION NO. 11300 OF 2018**

Pandharinath Namdev Thakur & Ors. ... Petitioners  
Versus  
State of Maharashtra & Ors. ... Respondents

\*\*\*\*\*

Mr. Abhinav A. Bhatkar, for the Petitioners.  
Mr. A. I. Patel, Addl.G.P. a/w Mr. S. K. Thorat, 'B' Panel counsel, for the  
Respondent-State.  
Mr. Ashutosh Kulkarni (through V.C.), for Respondent Nos. 2 to 4 and  
6.

\*\*\*\*\*

**CORAM : MANISH PITALE AND  
MANJUSHA DESHPANDE, JJ.**

**DATE : 26<sup>th</sup> NOVEMBER 2025**

**PC. :**

. The respondent Nos. 2 to 4 and 6, i.e. the authorities of City and  
Industrial Development Corporation of Maharashtra Limited (CIDCO)  
have stated in their affidavit-in-reply as follows:

*"7. Considering the multiple complaints received from  
allottees, the CIDCO put forth a proposal before the Board  
of Directors of CIDCO regarding the option to change  
allotted plots due to various reasons. The Board of  
Directors of CIDCO passed Board Resolution No. 12159  
dated 18.02.2019 that allotted plots not having any  
amenities/facilities or situated in area having mangroves or  
undevelopable plots can be changed after taking due  
permissions from various departments of CIDCO. Hereto  
marked and annexed as "Exhibit-R-1" is the copy of Board  
Resolution No. 12159 dated 18.02.2019.*

8. *As per the said Board Resolution, upon receipt of such application seeking to change the already allotted plot due to various reasons mentioned in the said Board Resolution, reports from various departments of CIDCO are called with regards to the cancellation of allotted plot. Once receipt of such reports, application is kept before the Chief Lands and Survey officer or Joint Managing Director or the Managing Director considering the areas of the allotted plot for final approval. Once such approval is received for the cancellation of the earlier plot, the new plot of same area is allotted as per the prevailing policy. In the light of the above-described policy, in case appropriate application is submitted by the Petitioners for change of the disputed plot, the said application will be considered by the CIDCO in accordance with the aforesaid policy.*

*Considering the aforesaid facts and circumstances, there is no merit in the petition and the same is deserves to be dismissed in limine and with costs.*

*Whatever stated in the above is true and correct to the best of my knowledge and belief.”*

2. The learned counsel appearing for the said respondents submits that, if the petitioners apply for allotment of new plot of the same area as per the policy indicated in the above quoted portion of the affidavit-in-reply, the same can be considered in a stipulated period of time. We are of the opinion that, it would be in the interest of justice, that such a direction is issued so that the grievance of the petitioners may be satisfied.

3. At this stage, the learned counsel for the petitioners invites attention of this Court to specific statement made in the writ petition and supporting document placed on record at Exhibit – E in the form

of a judgment decree passed in favour of petitioner No. 9, indicating that petitioner Nos. 1 to 8 and respondent Nos. 7 to 13 are to specifically perform an agreement executed in favour of petitioner No. 9 concerning the subject plot.

4. In that light, we direct petitioner No. 9 to move a fresh application before the respondent- CIDCO for allotment of new plot of same area as per prevailing policy indicated in paragraphs 7 and 8 of the affidavit-in-reply of CIDCO quoted hereinabove, within two weeks from today.

5. The respondent- CIDCO shall consider the said application and pass an appropriate order within four weeks thereafter.

6. List the petition for further consideration on 16<sup>th</sup> January 2026 (High on Board).

**(MANJUSHA DESHPANDE, J.)**

**(MANISH PITALE, J.)**