

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

PUBLIC INTEREST LITIGATION NO.24 OF 2019

ALONG WITH

INTERIM APPLICATION NO.2300 OF 2020

INTERIM APPLICATION NO.17900 OF 2023

[Seeking Demolition / Enquiry]

Sandeep Thakur,	]	
Age : 67 years, Indian Citizen,	]	
Residing at F8/RH6/Sector-6,	]	.. Petitioner/
Vashi, Navi Mumbai-400703	]	Applicant

Versus

1. The State of Maharashtra,	]	
Through Urban Development Dept.,	]	
Having Office at Mantralaya, Mumbai	]	
2. The Navi Mumbai Municipal Corporation,	]	
A Corporation incorporated under the	]	
Provisions of the Maharashtra Municipal	]	
Corporation Act, 1949	]	
Having office at CBD-Belapur,	]	
Navi Mumbai – 400 614.	]	
3. Amey Co-operative Housing Society Ltd.,	]	
Plot Nos.24 to 29/29A, Sector 4, Nerul,	]	
Navi Mumbai – 400 706	]	
4. Hiten Sethi Architects,	]	
Ground Floor, Yayati CHS, Plot No.9,	]	
Sector 58A, Palm Beach Road, Nerul,	]	
Navi Mumbai – 400 706	]	.. Respondents

ALONG WITH

INTERIM APPLICATION NO.944 OF 2021

[For Intervention]

Dilip Vashdeo Ahuja,	]	.. Intervener
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ALONG WITH

INTERIM APPLICATION NO.945 OF 2021

[For Intervention]

1. Puran Kumar Jain	]	
2. Sangeeta Puran Jain	]	.. Interveners

ALONG WITH
INTERIM APPLICATION NO.9504 OF 2025

[For Intervention]

1. Rekha Adukia	]	
2. Nikhil Adukia	]	.. Interveners

ALONG WITH
INTERIM APPLICATION NO.2484 OF 2022

[Seeking permission to sell the subject Flat]

Mrs. Kunda Kailash Koli	]	.. Intervener
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ALONG WITH
INTERIM APPLICATION NO.946 OF 2021

[Seeking modification of this Court's order dt. 17th March 2021]

Amey Co-operative Housing Society Ltd.	]	
Plot Nos.24 to 29/29A, Sector 4, Nerul,	]	.. Applicant/
Navi Mumbai – 400 706	]	Org.Resp.No.3

Mr. Sandeep Thakur, the Petitioner is present in-person.

Mr. O.A. Chandurkar, Additional Government Pleader with
Smt. G.R. Raghuwanshi, Assistant Government Pleader for
Respondent No.1.

Mr. Tejesh Dande with Mr. Bharat Gadhavi, Advocates for
Respondent No.2.

Mr. Ashish Kamat, Senior Advocate, with Mr. Harsh Moorjani,
Mr. Samsher Garud, Ms. Vidhi Karia and Mr. Atharva Gade,
Advocates, i/by Jaykar & Partners, for Respondent No.3.

Dr. Milind Sathe, Senior Advocate, with Mr. Bhushan Deshmukh
and Mr. Mani Thevar, Advocates, i/by Ganesh & Co., for
Respondent No.4.

Mr. Karl Tamboly with Mr. Sanjeel Kadam, Ms. Nitisha Lad,
Advocates, i/by Kadam & Company, for the Applicant in
IA/9504/2015.

Mr. Somnath Kekan, ADTP, NMMC is present.

Mr. Kiran Khandare, Deputy Engineer, NMMC is present.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

Reserved on : 10th September 2025

Pronounced on : 14th November 2025

PER, GAUTAM A. ANKHAD, J.

The petitioner is a social activist, who claims that he has filed several Public Interest Litigations in the past. He has approached this Court alleging that numerous buildings within the jurisdiction of the respondent no.2–Navi Mumbai Municipal Corporation (“**NMMC**”) have been constructed illegally, without adherence to sanctioned plans and planning laws. It is further alleged that several such buildings are already occupied despite the absence of an occupation certificate (“**OC**”). The petitioner, therefore, seeks multiple reliefs, including initiation of inquiries against the concerned architects, a direction to the respondent no.2 to immediately take steps to vacate buildings that are occupied without a valid OC and demolition of all illegal constructions in the limits of the respondent no.2. Those prayers are extracted herein below:

- “(A). That this Honourable Court be pleased to issue a Writ of Mandamus, or a Writ in the nature of Mandamus, or any other appropriate Writ, Order or Direction, directing the Respondent No. 2, NMMC to compile a list of developments which are occupied without obtaining Occupation Certificates and keep the said list up to date.*
- (B). That this Honourable Court be pleased to issue a Writ of Mandamus, or a Writ in the nature of Mandamus, or any other appropriate Writ, Order or Direction, directing the Respondent No. 2, NMMC to, after compiling the list as per (A) above, take action of demolition of those parts of the developments which are not as per the Approved Plan.*
- (C). That this Honourable Court be pleased to issue a Writ of Mandamus, or a Writ in the nature of Mandamus, or any other appropriate Writ, Order or Direction, directing the Respondent No.2, NMMC to, after compiling the list as per (A) above, take steps to vacate the developments which are occupied without obtaining Occupation Certificates.*
- (D). That this Honourable Court be pleased to issue a Writ of Mandamus, or a Writ in the nature of Mandamus, or any other appropriate Writ, Order or Direction, directing the*

Respondent No.2, NMMC to, after compiling the list as per (A) above, hold enquiries against the concerned architects of the relevant developers who were required to supervise the development as per the Approved Plan but have not brought the unauthorized development to the notice of the Respondent No.2, NMMC in time and to take appropriate actions against the architects found wanting.

(E). That this Honourable Court be pleased to issue a Writ of Mandamus, or a Writ in the nature of Mandamus, or any other appropriate Writ, Order or Direction, directing the Respondent No. 1, State to conduct a Secretary level enquiry to find out why timely action was not taken by the officials of the Respondent No.2, NMMC and determine the officials of Respondent No. 2., NMMC responsible for this serious lapse and take disciplinary action against them in accordance with applicable regulations.”

2. As the hearing of the petition progressed, several Interim Applications came to be filed by both sides, resulting in a voluminous paper-book. The following table is a summary of the Interim Applications pending in this PIL:-

Sr. No.	IA No.	Filed By	Reliefs Claimed
1.	1/2020	Filed by the petitioner on 17/02/2020	(a) Respondent No.2 to demolish unauthorized parts of building. (b) Respondent No.2 to hold inquiry against Respondent No.4. (c) Respondent No.2 to take steps to have Respondent No.3-Society vacated.
2.	944/2021	Dilip Ahuja (Flat Owner) filed on 25/03/2021	(a) Impleadment as a party. (b) Permit the Applicant/ Intervenor to sell flat and direct Respondent no.3 to issue resale and mortgage NOC.
3.	945/2021	Puran Kumar Jain & Anr. (Flat Owners) filed on 25/03/2021	a) Impleadment as a party. b) Permission to sell flat and direct Respondent No.3 to issue resale and mortgage NOC.

Sr. No.	IA No.	Filed By	Reliefs Claimed
4.	946/2021	Amey Co-Op Housing Society Ltd. (Respondent No.3) filed on 30/03/2022	a) Modify order dated 17 th March 2021 to the extent it restrains the flat purchasers from selling/transferring the flats pending disposal of the PIL.
5.	2484/2022	Kunda Kohli (Flat Owner) filed on 20/01/2022	a) To sell flat and direct Respondent No.3 to grant NOC to sell the flat.
6.	17900/2023	Sandeep Thakur (Petitioner) filed on 19/05/2023	a) Demolition of unregularized portion of Respondent No.3 building. b) Initiate inquiry against R4 Architect for issuing false CC
7.	9504/2025	Rekha Adukia & Anr. (Flat Purchasers) filed on 27/06/2025	a) Impleadment as a party. b) Vacate interim order dated 17 th March 2021 passed in PIL 24/2019

As we have already heard the main petition on merits, we are not examining the contentions raised in each of the Interim Application. Instead, we intend to deal with the principal contentions raised in the main petition.

3. The brief facts of the matter are as follows :-

- (a) In 2004, CIDCO allotted/leased six plots bearing Nos.24 to 29 in Sector-4, Nerul, Navi Mumbai to six Cooperative Housing Societies, namely, Sea Queen CHSL, Sea Link CHSL, Sagarika CHSL, Sea Plaza CHSL, Vinayaka CHSL, and Ameya CHSL. Subsequently, under a Modified Lease Agreement dated 3rd December 2009, executed between CIDCO and Ameya CHSL, all six plots were consolidated and allotted in the sole name

of Ameya CHSL (the respondent no.3 herein). The total area allotted to the respondent no.3-Society was 41,962.21 sq. mtrs. The respondent no.3 thereafter conferred development rights upon Vijay Associates Wadhwa to develop and build on the said land. Upon obtaining requisite permissions from NMMC and CIDCO, the developer constructed a building known as Palm Beach Residency, comprising six wings and over 600 flats/ units.

- (b) In 2012, the respondent no.3 applied for an OC through its Architect-the respondent no.4. The application was rejected on 3rd December 2012. A second application dated 15th July 2013 for grant of OC was also rejected by the respondent no.2 for want of requisite documents, including a No Objection Certificate from the Maharashtra Coastal Zone Management Authority ("**MCZMA**"). This rejection was contested by the respondent no.3. On 18th April 2017, MCZMA forwarded a letter dated 1st July 2016 issued by the Ministry of Environment & Forests, Government of India, clarifying that the land does not fall within the demarcated Coastal Regulation Zone ("**CRZ**"), and hence no CRZ clearance was required for the plot leased to the respondent no.3. Based on this clarification, the developer, by letter dated 27th September 2017, once again requested the

respondent no.2 to grant OC. This request was rejected by the respondent no.2 *inter alia* on the ground that the construction of the building was not in accordance with the approved plan. The respondent no.3 challenged this rejection by filing Writ Petition No.13864 of 2018 and has called upon the respondent no.2 to issue the OC. The petition is still pending adjudication.

- (c) On 15th December 2018, the present Public Interest Litigation came to be filed concerning the illegal construction around Navi Mumbai area. Whilst interim relief is claimed against the respondent nos.3 and 4, there is no final prayer against them in the petition. The interim reliefs are reiterated in the petitioner's Interim Application Nos.1 of 2020 and 17900 of 2023 filed by the petitioner.
- (d) On 1st November 2023, one Kishor Sunder Shetty instituted another Public Interest Litigation No.111 of 2022, alleging large-scale illegal constructions within the limits of the respondent no.2 and seeking, among other reliefs, appropriate action against officers of the Corporation as well as against the owners and developers concerned. The said Public Interest Litigation No.111 of 2022 was disposed of by this Court on 27th March 2025, with the following order:

- “1. Rule. Rule is made returnable forthwith. With the consent of the learned counsel for the parties, heard finally.*
- 2. In this writ petition which has been filed as Public Interest Litigation, the petitioner has alleged that illegal constructions on large scale are being carried out at Navi Mumbai Municipal Corporation area (hereinafter referred to as 'NMMC', for short). It is the case of the petitioner that even though he had invited the attention of NMMC to the large scale illegal constructions, the NMMC has failed to take any effective action.*
- 3. We have heard the petitioner who appears in-person as well as learned Senior Counsel for the respondents no. 1 and 2-NMMC. Learned Senior Counsel Shri Anturkar appearing for NMMC submits that NMMC is a statutory body and is required to perform its statutory duty and ensures that illegal constructions will be removed.*
- 4. The Division Bench of this Court have passed a detailed order on 31 January 2024. Before proceeding further, it is apposite to advert to the prayers made in the writ petition which are extracted for the facility of reference.*

"A] That this Hon'ble Court be pleased to issue a writ of Mandamus to the Navi Mumbai Municipal Corporation to take action on illegal construction.

B] That this Hon'ble court be pleased to take action against those ward officer who was the officer during their job tenure when the illegal construction was done.

C] That this Hon'ble court be pleased to take action against the contractor who knows this is illegal construction then also he did the he construction for his personal profit.

D] That this Hon'ble court be pleased to take action against the plot owner who did illegal construction even knowing this is against the Violation of Floor Space Index 1.

E] For such other and further reliefs as this Hon'ble Court may deem fit and proper in the nature and circumstances of the present case."

5. *In the facts and circumstances of the case, we deem it appropriate to issue the following directions :*
 - (a) *The NMMC shall undertake thorough survey of the entire area within its limit to ascertain the number of illegal/irregular constructions which have been made. The survey shall be conducted within a period of 4 months from today.*
 - (b) *On identification of the illegal structures, the NMMC shall give a notice to its owners/occupiers and shall afford them an opportunity of hearing before taking action for removal of the illegal structures/construction.*
6. *Needless to state that NMMC shall follow the guidelines laid down by the Supreme Court In Re:Directions in the matter of demolition of structures, 2024 SCC OnLine 3291 while removing the illegal structure/construction.*
7. *Needless further to state that any person aggrieved by the action which may be taken by NMMC shall be at liberty to take recourse to such remedy as may be available to him in law, including to claim the benefit under Government Resolutions dated 25 February 2022 and 07 December 2022.*
8. *With the aforesaid directions, the writ petition is disposed of. Pending interim application(s), if any, also stands disposed of.”*

4. Mr. Sandeep Thakur, the petitioner appearing in-person, submitted as follows:

- (i) There are several buildings within the limits of the respondent no.2, that have been constructed either without permissions or are constructed in violation of development and environmental laws. The respondent no.2 has failed to take appropriate action against such illegalities committed by developers, government officials and their architects.
- (ii) The construction of the respondent no.3 is not in conformity with the approved plan. The

development permission originally granted on 29th March 2008 was for a total built-up area of 60,582.003 sq. mtrs., comprising 54,384.847 sq. mtrs. of residential area and 6,197.156 sq. mtrs. of commercial area (page 97 of the petition). In contrast, the environmental clearance was obtained only subsequently, on 14th May 2009 (pages 245–247 of the petition), thereby indicating that the clearance was *ex post facto*. Consequently, as on the date of grant of development permission, no environmental clearance was in place, rendering the entire development illegal.

- (iii) The subsequent development permission dated 3rd April 2010 (page 104 of the petition) permitted a total built-up area of 62,789.80 sq. mtrs., comprising 56,492.284 sq. mtrs. of residential and 6,297.516 sq. mtrs. of commercial area. This, according to the petitioner, exceeds the area covered by the environmental clearance granted on 14th May 2009, which was for 60,927.03 sq. mtrs. comprising of 54,834.33 sq. mtrs. of residential area and 6092.70 sq. mtrs. of commercial area.
- (iv) An affidavit dated 22nd February 2019 is filed by the respondent no.2 through the Assistant Director, Town Planning, in the respondent no.3's Writ Petition No.13864 of 2018 wherein the respondent no.2 has admitted at paragraph 4 of the said affidavit (page 65 of the petition), that the

construction is not carried out in accordance with the sanctioned plan, even after the environmental clearance. The relevant portion reads as under:

“4. I further say that as pointed out in the said report, there has been unauthorized/excess area of about approximately 21,190sq. meters in the said project. It has been pointed out in the said report that once the corrective action is taken in respect of FSI violations/misuse by bringing the construction in conformity with the sanctioned plans, further procedure for issuance of the occupancy certificate can be initiated. Additionally the petitioner will have to pay necessary charges towards penalty for construction without obtaining Commencement Certificate, for carrying out construction without obtaining plinth certificate & occupying without obtaining Occupancy Certificate. The said amount would increase with passage of time.”

5. Accordingly, it was submitted by the petitioner that there is no valid environmental clearance and even after obtaining the ex-post facto clearance, the construction must be held contrary to law and the sanctioned plans. Hence, the buildings are illegal, and strict action ought to be taken against the developer, the architect, and the officials of the respondent nos.2 and 3, including demolition of the unauthorized structure. Reliance was placed on several provisions of the Maharashtra Regional and Town Planning Act, 1966 (“MRTP Act”), particularly sections 44 to 53, in support of these submissions.

6. The respondent no.2 has filed two affidavits on 26th March 2019 and 25th August 2021. It is stated by the respondent no.2 that there are several reasons for which the OC may not be obtained either by the developer or the society. This includes the additions and alterations carried out by individual flat owners to

the existing apartments. It also covers cases where the development was carried out prior to identification of the plots that fell within the CRZ area.

7. Mr. Kamat, learned Senior Advocate appearing for the respondent no.3, opposed the PIL on the ground that the petitioner is selectively targeting the respondent no.3-Society, although the petition itself pertains generally to alleged illegal constructions across multiple projects within the jurisdiction of the respondent no.2. He submitted that the members of the respondent no.3 have been subjected to unnecessary harassment at the petitioner's instance. Pursuant to the orders dated 25th October 2024 and 4th March 2025 passed by this Court in Writ Petition No.13864 of 2018, the society and the developer have already deposited approximately Rs.101 crores towards penalty for regularization and have complied with other requisitions for obtaining the OC. The respondent no.2 has issued a provisional occupation certificate in respect of the project on 15th May 2025 (at page 55 of Interim Application No.9504 of 2025).

8. It was submitted that the petitioner's reliance on the respondent no.2's affidavit dated 22nd February 2019 is misconceived, as that affidavit was filed at a stage when the project was not granted an OC. It was in that background that several interim orders also came to be passed by this Court. The circumstances, however, have since changed with the grant of the provisional occupation certificate dated 15th May 2025. Steps are underway to obtain the final OC from the respondent no.2. It was submitted that this PIL is now being pursued with oblique

motives. The interests of 614 flat owners in the respondent no.3 has been adversely affected due to this PIL and the restrictions imposed under interim orders of this Court ought to be vacated. There is no surviving public interest and the PIL ought to be dismissed.

9. Dr. Sathe, learned Senior Advocate appearing for the respondent no.4, submitted that the architect has been unnecessarily dragged in the PIL. He submitted that interim prayer (G) in this PIL is directed against a private party in his professional capacity. A PIL cannot be invoked as a means to ventilate grievances against private individuals. Any grievance against an Architect would have to be pursued through the redressal mechanism prescribed under the Architects Act, 1972. He denied that any illegality was committed by the respondent no.4. The reasons for delay in obtaining the OC is explained in the respondent no.4's affidavit dated 18th April 2019 and 8th April 2025. In any case, the petitioner's grievance in relation to the respondent no.3-Society stands redressed and no longer survives, as the respondent no.2 has already issued a provisional OC on 15th May 2025. He submitted that in June 2025, the respondent no.2 published a list of 2,100 buildings that were occupied without OC. Significantly, the respondent no.3-Society does not feature in this list. He placed reliance on this Court's order dated 27th March 2025 in PIL No.111 of 2022 and submitted that the final reliefs contemplated in prayer of this PIL already stand worked. Accordingly, he submitted that nothing further survives in the present Public Interest Litigation and that it deserves to be dismissed.

Analysis & Reasons:

10. We have heard the learned counsels appearing for the parties and perused the records. The brief chronology of events leading to the filing of the present PIL has already been noted above and is not repeated for the sake of brevity.

(I) The PIL is vague and is hit by delay and laches

11. At the outset, we note that although the pleadings in the present PIL broadly refer to the issue of illegal constructions in Navi Mumbai, the petitioner's submissions are primarily directed against the respondent nos. 3 and 4. To that extent, the pleadings appear vague and lacking in material particulars. The petitioner's case against the respondent nos. 3 and 4 rests almost entirely on additional affidavits filed from time to time in various Interim Applications. While it is true that the strict rules of pleading may not apply to a public interest litigation, a PIL petitioner is nevertheless required to lay a clear factual foundation for the averments made and the reliefs sought. In the present case, the information furnished against the respondent nos.3 and 4 is vague and imprecise. Proper pleadings are indispensable to satisfy the basic requirements of natural justice. We appreciate that certain developments may have taken place subsequent to the filing of the writ petition; however, such subsequent events are required to be brought on record by way of appropriate amendments to the petition and not through successive supplementary affidavits.

12. The petitioner contends that the original permission granted to the respondent no.3 on 29th March 2008 is invalid, as the

requisite environmental clearance was obtained only on 14th May 2009. It is further alleged that the subsequent environmental clearance of 3rd April 2010 exceeded the scope of the said clearance. The buildings were completed by 2011–2012, and applications for occupancy certificates were then submitted. Be that as it may, the environmental clearance dated 14th May 2009 or 3rd April 2010 is neither challenged by the petitioner nor revoked by the authorities. It formed the basis for the construction and subsequent permissions. The present PIL is filed in 2019. There is no explanation for the inordinate delay in approaching this Court. In our view, such delay is fatal. The petitioner cannot, after nearly a decade, seek to question the validity of the environmental clearance or the alleged ex post facto clearance. The petitioner himself resides in Navi Mumbai and, if there was any genuine concern regarding the construction by the respondent no.3, he ought to have approached the Court contemporaneously when the permission was granted or when the construction had started. The PIL cannot be entertained at such a delayed stage. This omission is sufficient to non-suit the petitioner.

13. The principle underlying the denial of relief on grounds of laches or delay is that rights which have accrued to others during the intervening period should not be unsettled, unless the delay is reasonably explained. There is no explanation in the present case. In *“R & M Trust v. Koramangala Residents Vigilance Group”*, (2005) 3 SCC 91, the Hon’ble Supreme Court refused to grant relief in a PIL where the building construction was substantially complete. The relevant portion reads as follows:

- “34. There is no doubt that delay is a very important factor while exercising extraordinary jurisdiction under Article 226 of the Constitution. We cannot disturb the third-party interest created on account of delay. Even otherwise also why should the Court come to the rescue of a person who is not vigilant of his rights?
35. We are of the opinion that delay in this case is equally fatal, the construction already started by the appellant in 1987 and building had come up to three floors. Thereafter it was stopped in 1988 and in March 1991 it resumed after permission was granted. The writ petition was filed in November 1991 meanwhile construction was almost complete. Therefore, delay was fatal in the present case and learned Single Judge rightly held it to be so.”

Similarly, in “*Narmada Bachao Andolan v. Union of India*”, (2000) 10 SCC 664, the Hon’ble Supreme held:

“229. It is now well settled that the courts, in the exercise of their jurisdiction, will not transgress into the field of policy decision. Whether to have an infrastructural project or not and what is the type of project to be undertaken and how it has to be executed, are part of policy-making process and the courts are ill-equipped to adjudicate on a policy decision so undertaken. The court, no doubt, has a duty to see that in the undertaking of a decision, no law is violated and people’s fundamental rights are not transgressed upon except to the extent permissible under the Constitution. Even then any challenge to such a policy decision must be before the execution of the project is undertaken. Any delay in the execution of the project means overrun in costs and the decision to undertake a project, if challenged after its execution has commenced, should be thrown out at the very threshold on the ground of laches if the petitioner had the knowledge of such a decision and could have approached the court at that time. Just because a petition is termed as a PIL does not mean that ordinary principles applicable to litigation will not apply. Laches is one of them.”

(II) The petitioner’s reliance on the respondent no.2’s affidavit dated 22nd February 2019 to seek demolition is misplaced.

14. The petitioner’s contention that the illegal construction

stands admitted by the respondent no.2 and that this Court must direct its demolition today, is untenable.

15. The reliance placed on the respondent no.2's affidavit dated 22nd February 2019 is misconceived. At that stage, OC had not been granted, and issues were pending consideration before the respondent no.2. The position has changed since then. On 15th May 2025, the respondent no.2 has granted a provisional OC to the respondent no.3. Such a certificate would not have been issued if the alleged illegalities had persisted. As stated by Mr. Kamat, the respondent no.3 has paid a penalty of ₹101 crores and is in the process of obtaining the final OC. Once a provisional OC is granted, it would be improper for this Court to scrutinize the construction with a magnifying glass to ascertain the nature of irregularities. Such matters lie within the exclusive domain of the planning authority. Judicial intervention is warranted only where an authority has failed to act in accordance with law or has acted in violation thereof. This Court does not propose to assume the functions of the planning authority. The Writ Court is not an expert body to adjudicate disputed questions of fact or to determine whether any illegality in individual buildings continues to exist. The petitioner has merely referred to the provisions of the MRTP Act without demonstrating which of them continue to be breached by the respondents. Now that a provisional OC has been issued, it is for the respondent no.2 to ensure compliance with the sanctioned plans and to take appropriate steps in accordance with law against the developer/society, if any deviation is found.

(III) Nothing survives in this PIL anymore

16. By Writ Petition No.13864 of 2018, the respondent no.3 had, *inter alia*, sought a writ of Mandamus directing the respondent no.2 to grant the OC. During the pendency of that writ petition, the present PIL came to be filed. The main issue raised in this PIL pertains to illegal constructions within the limits of the respondent no.2 and seeks a direction for it to compile a list of such buildings, including those occupied without an OC, and thereafter to demolish the structures or portions thereof that are contrary to the sanctioned plans. Similar issues were raised in Public Interest Litigation No.111 of 2022 (Kishore Sundar Shetty vs. Shri Abhijit Bangar Commissioner of NMMC).

17. In our view, the objectives sought to be achieved by the present PIL already stand addressed by this Court's order dated 27th March 2025 passed in Public Interest Litigation No.111 of 2022, which also dealt with illegal constructions within the jurisdiction of the respondent no.2. The said order, already extracted earlier, directs the respondent no.2 to conduct a comprehensive survey to identify illegal structures, issue notices to owners or occupiers before taking any action for removal of the illegal structures. In view of the aforesaid directions, prayer clauses (A) to (C) of the present PIL stand substantially worked out. The order dated 27th March 2025 continues to operate and bind the respondent nos.1 and 2. There cannot be multiple PILs on the same issue. Repeatedly raising the same controversy not only wastes valuable judicial time, but also hinders the adjudication of other deserving causes. Once the statutory authorities have exercised their powers and granted the requisite

permissions, the scope of judicial review must necessarily come to an end.

18. It is true that environmental concerns are significant and warrant serious consideration. However, the needs of environmental protection must be balanced against the legitimate needs of the community at large. A PIL cannot be permitted to continue for private motives. From the materials on record, it appears that what commenced as a public interest litigation has, over time, transformed into a private dispute directed against the respondent nos.3 and 4. There is no satisfactory explanation from the petitioner for this selective focus, especially when the petition ostensibly raises general concerns about illegal constructions within the respondent no.2's jurisdiction. As repeatedly held by the Hon'ble Supreme Court including in "*Rajeev Suri v. DDA*" (2022) 11 SCC 1, a public interest litigation is intended to vindicate the rights of the poor and disadvantaged, not to be wielded as an instrument of harassment or publicity. In our view, this Court's order of 27th March 2025 addresses the main issue raised in this PIL about the illegal construction in Navi Mumbai.

19. Specifically, as regards the respondent no.3, we are informed that it has more than 600 flat purchasers. It would be wholly unjust to displace them or direct demolition without affording the respondent no.3 an opportunity to seek regularisation or final OC in accordance with law. Equally, such purchasers cannot be restrained any further from transferring their premises pending grant of the final OC. There is no legal prohibition against transfer of flats merely because the final OC is awaited. The home buyers

cannot be penalised for the defaults of the developer, who has not obtained the OC for the home-buyers since 2012. The Court cannot overlook the serious prejudice caused to the home-buyers by the continuing restraints on dealing with their properties due to the defaults of the developer.

20. As informed by Dr. Sathe, the respondent no.2 has compiled a list of approximately 2,100 buildings constructed either without requisite permissions or in violation of approved plans. In our view, this reflects a serious and systemic failure, indicative of a nexus between tainted officials and developers. It is indeed a matter of grave concern. The respondent no.1 cannot remain a passive spectator, for the ultimate sufferers of such irregularities are the middle-class home buyers. However, we find that prayer clauses (D) and (E) of this PIL are general in nature and cannot be granted. A PIL is not the forum for the petitioner to ventilate his grievances against the respondent no.4 or other architects. This may involve questions of fact. There are regulatory bodies available to agitate the cause. As regards prayer (E), we cannot undertake a roving inquiry in this PIL in the absence of details of the officials and their exact role in the construction of these buildings.

21. For the reasons stated above and in light of this Court's earlier order dated 27th March 2025, **Public Interest Litigation No.24 of 2019 is dismissed**. All interim applications stand disposed of and all interim orders stand vacated. We clarify that dismissal of this PIL shall not be construed as condonation of any illegality committed by developers including that of the respondent

no.3 or by the officials of the respondent no.2. Such persons cannot be permitted to evade liability/accountability for the sufferings of the home-buyers. The respondent nos.1 and 2 are at liberty to initiate appropriate proceedings against all such persons and officials responsible, in accordance with law. There shall be no order as to costs.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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by SNEHA
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