

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 159 OF 2015

Shri Sandeep Sharadchandra Thakur. ... Petitioner.
V/s.
State of Maharashtra and others. ... Respondents.

Sandeep Pathak for the petitioner.
Mrs.M.P.Thakur, AGP for the State.
S.V.Marne for respondent No.2.
Roopdaksha Basu i/b. M/s.Law Point for respondent No.3.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.**

DATE : 8th December 2016.

PC. :

The City and Industrial Development Corporation of Maharashtra Limited (CIDCO), respondent No.3 herein has filed affidavit-in-reply. In terms of the directions of this Court dated 3rd March 2016, the Government of Maharashtra has passed order dated 26th July 2016. The grievance raised in this petition is with regard to regulation No.27.1 of Development Control Regulations (DCR) of Navi Mumbai. The term “Action Area” was not defined in the said regulations of Navi Mumbai Corporation and there seems to be some

ambiguity while development permissions were granted by respondent No.2- Corporation, especially, in the residential zone in Navi Mumbai.

2. The petitioner came to this Court with the grievance that by taking advantage of no definition is being made in the regulations with regard to the term “Action Area” there were some practical impediments in proper growth of Navi Mumbai. Having understood the defects coming in the way of practical implementation, this petition was filed and directions were granted in terms of the order dated 3rd March 2016.

3. Now, the State has clarified the position that the term “Action Area” which is defined in CIDCO regulations shall apply to the term “Action Area” even in the case of regulations of Navi Mumbai Municipal Corporation. In that view of the matter, there cannot be any ambiguity in extending such meaning to the term “Action Area” so far as respondent No.2- Corporation is concerned.

4. Accordingly, the petition is disposed of by directing respondent No.2 to implement regulation 27.1 of DCR so far as term “Action Area” is concerned.

(M.S.SONAK, J.)

CHIEF JUSTICE