

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION NO.3 OF 2017

Nitesh Mohanlal Doshi

..Petitioner

Versus

The Mumbai Municipal Corporation and others

..Respondents

Mr. Rakesh Agrawal, Advocate for the Petitioner.

Ms. K. H. Mastakar, Advocate for Respondent No.1 – MCGM.

Mr. Milind Sathe, Senior Advocate a/w Mr. Saket Mone I/by Vidhi Partners, Advocate for Respondent No.3.

CORAM : PRADEEP NANDRAJOG, C.J. &  
SMT. BHARATI DANGRE, J.

DATE : 27<sup>th</sup> AUGUST, 2019

P.C.

1] We are not inclined to grant relief prayed for in the Public Interest Litigation for the reason the Petitioner is targeting only one area where a textile mill existed once upon a time and as per the law in Maharashtra on closure  $\frac{1}{3}$ <sup>rd</sup> land of the mill vested in MHADA,  $\frac{1}{3}$ <sup>rd</sup> in the Corporation and  $\frac{1}{3}$ <sup>rd</sup> in the owner.

2] Sanction granted way back on 1<sup>st</sup> September 2006 to construct buildings in the owner's share has been questioned by filing Public Interest Litigation in the year 2017. The Petitioner wants the Court to interpret the Development Control Regulations and in

particular Regulations 23 and 35 in a manner which the Petitioner intends. Succinctly, the Petitioner wants 25% recreational area to be determined with reference to the entire plot of land of the mill and the stand of the Corporation is that the same has to be with reference to the owner's share.

3] We do not venture in the exercise of interpreting the law for the reason the Petitioner has not made any positive assertion of the positive fact that for other mills the law has been interpreted differently vis-a-vis the instant case.

4] That apart the action is belated. Pursuant to the sanction obtained in the year 2006 the constructions have been completed long back.

5] The PIL is dismissed.

**SMT. BHARATI DANGRE, J**

**CHIEF JUSTICE**