

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 668 OF 2021
IN
WRIT PETITION NO. 3214 OF 2017**

Mumbai Metropolitan Region
Development Authority ... Applicant

In the matter between

Romell Housing LLP and anr. ... Petitioners
V/s.
The State of Maharashtra and ors. ... Respondents

Mr. Saket Mane i/b Vidhi Partners for the Applicant-MMRDA.
Mr. Girish S. Godbole I/B Mr. D.S.Patil for the Petitioners.
Smt. A.S. Pai, APP for the Respondent – State.
Mr. Sandesh Patil for Respondent No.12-CBI.
Mr. Pravin K. Narwade, OSD, Court Receiver, High Court.
Mr. Firoz Bharucha a/w. Mr. Levi Rubens, Mr. Sushant Arora, Ms
Ruchi Magoo i/b M/s. L.R. & Associates for Intervenor –
Applicant in IA-1712/19.

**CORAM : S.S. SHINDE &
N.R. BORKAR, JJ.
DATE : MAY 27, 2021.
(VACATION COURT)**

P.C.

1] Intervenor, the Mumbai Metropolitan Region
Development Authority (for short “MMRDA”) has filed this
application with following prayers :

*“a1. to allow and grant permission to the Applicant
(MMRDA) to use the Kaccha road on S.No.95/3,
S.No.95/4, S.No.97/1, S.No.98/1, S.No.98/4, S.No.98/5,
S.No.98/6, S.No.98/9, S.No.98/11, S.No.98/12, S.No.98/3,*

S.No.99/1, S.No.99/2, S.No.99/3, S.No.100/1, S.No.100/2B, S.No.101/7, C.T.S. No. 3071, S.No.100/2A, C.T.S. 3073, S.No.100/5, on temporary basis, to transport excavated material to K.N. Sheikh Quarry, for a period of 12 months from the date of passing of order granting such permission on such terms as this Hon'ble Court may deem fit and appropriate;

b. to direct the Court Receiver to permit the Applicant to use the kaccha road on the land bearing S.No.95/3, S.No.95/4, S.No.97/1, S.No.98/1, S.No.98/4, S.No.98/5, S.No.98/6, S.No.98/9, S.No.98/11, S.No.98/12, S.No.98/3, S.No.99/1, S.No.99/2, S.No.99/3, S.No.100/1, S.No.100/2B, S.No.101/7, C.T.S. No. 3071, S.No.100/2A, C.T.S. 3073, S.No.100/5, on temporary basis, to transport basis on such terms as this Hon'ble Court may deem fit and appropriate;"

2] It is stated that the MMRDA proposes to construct a master balancing reservoir of 45 MI Capacity and two towers for purpose of monitoring at Chene. It is stated that as per the conditions imposed by the National Board of Wild Life, the excavated material generated through the proposed activities at Chene is required to be dumped only at an abandoned quarry in possession of the Forest department. Accordingly, after due deliberation, the MMRDA alongwith Forest Authority came to a conclusion that K.N. Sheikh Quarry under Sanjay Gandhi National Park, at Dahisar is the most appropriate quarry for such dumping. It is stated that while implementing

the project, it was noted by MMRDA that the only approach road to the abandoned K.N. Sheikh quarry is under the possession of Court Receiver of the Court, appointed in the above writ petition. It is stated that the Forest Authority thus intimated to the MMRDA to seek necessary permission from this court for temporary use of approach road existing on the subject property.

3] It is stated that Surya Regional Bulk Water Supply Scheme is envisaged with an intention to meet the dire need of potable drinking water in the Western Subregion comprising of Vasai-Virar City Municipal Corporation and Mira-Bhyandar Municipal Corporation and 27 villages outside. It is stated that permission as sought be granted for implementing a project of great public importance.

4] We have heard the learned counsel for the parties.

5] Today, MMRDA has tendered a Terms, on which the MMRDA shall use the subject property, signed by its Executive Engineer. The said Terms are taken on record and marked as “X” for the purpose of identification. The learned counsel

appearing for the parties agree that in view of the Terms of use tendered by MMRDA, the present application can be allowed in terms of prayer clauses “a1 and b”. In the result, the following order is passed.

A] Interim Application No. 668 of 2021 is allowed in terms of prayer clauses **“a1” and “b”**.

B] The prayers are allowed subject to Terms of use submitted today to this court by MMRDA and marked **“X”** for identification purpose. Needless to mention that MMRDA shall not violate the Terms of use submitted by it.

C] Interim Application No. 668 of 2021 stands disposed of.

(N.R. BORKAR, J.)

(S.S. SHINDE, J.)