

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

**WRIT PETITION NO.303 OF 2018
WITH
INTERIM APPLICATION NO. 2312 OF 2022
WITH
INTERIM APPLICATION NO. 1072 OF 2021**

M/s Kale Entertainment and Resorts Pvt
Ltd. through its Director .. Petitioner
Versus
Union of India through the Secretary and Ors... Respondent

Mr. Atul Damle Senior Advocate i/b Pushpraj Singh for the
Petitioner.
Ms. Swati Sagvekar for Respondent Nos. 2 and 3.
Mr. Shrirang Katneshwarkar i/b Mr. Foss Anthony Floriyan
for the Intervenor.

**CORAM: A. A. SAYED &
ABHAY AHUJA, JJ.
DATE : 12th APRIL 2022**

P.C. :-

1. The grievance of the Petitioner is that it's Application for revised development permission made on 22nd September 2017, is not being considered by the Respondent-Corporation despite the fact that it's land does not fall under the category of Wetland as per Wetland Rules, 2010.

2. In PIL No. 87 of 2013, the following order was passed on 14th October 2013.

“ By order dated 16th September, 2013, we
had directed the State Government to take a

decision whether they propose to adopt the Wetland Atlas prepared by the Central Government, and whether they would like to prepare a brief document in respect of Wetland Atlas for the State of Maharashtra as envisaged under Rules 6(2) and 6(3) of the Wetland Rules, 2010. Unfortunately, the said direction does not appear to have been incorporated in our order dated 16th September, 2013. We, therefore, now direct the Secretary, Department of Environment and the Secretary of Forest Department, State of Maharashtra to take a decision whether they propose to adopt Wetland Atlas, prepared by the Central Government under the said Rules and whether they would like to prepare their own brief document in respect of Wetland Atlas for the State of Maharashtra. If the State of Maharashtra does not propose to adopt the Wetland Atlas prepared by the Central Government, the Secretary, Department of Environment and the Secretary of Forest Department, State of Maharashtra to inform this Court the time frame within which the said brief document shall be prepared for the State of Maharashtra.

2. In the meantime, however, we deem it fit and proper to give a direction, in respect of the areas which have been identified as Wetland Areas in the Wetland Atlas by the Central Government, that no reclamation of land and any kind of construction shall be permitted without leave of this Court. The Secretary, Urban Development Department, State of Maharashtra is directed to issue a circular, informing the direction given by this Court to all the Corporations and the Zilha Parishads. Stand over to 29th October, 2013.

(emphasis supplied)

3. Pursuant to the directions in the aforesaid PIL and the

orders passed by this Court in the above Writ Petition, the State Government has prepared the brief document in respect of Wetlands for State of Maharashtra. It is an admitted position before the Court that Village Sasunavghar, District Palghar, whereat the property of the Petitioner is situate, does not form part of Wetlands declared in the brief document for Palghar District, Maharashtra.

4. In view of the above, there is now no impediment in the Respondent-Corporation considering the Application dated 1st July 2021 of the Petitioner for revised development permission.

5. In the circumstances, the Respondents are directed to process the Application dated 1-7-2017 filed by the Petitioner for Revised Development permission at the earliest.

6. The Writ Petition is allowed in the aforesaid terms. The Interim Application Nos. 2312 of 2022 and 1072 of 2021 do not survive and to stand disposed of.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)

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signed by
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