

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12768 OF 2022

Krishnakunj Co.op. Housing Society Ltd. ... Petitioner
Versus
Navi Mumbai Municipal Corporation
CBD, Belapur and Ors. ... Respondents

Mr.E.A. Sasi, Advocate for the Petitioner.

Mr.Tejash Dande, Advocate for Respondent Nos.2 and 3 (NMMC).

Mr.G.S. Hegde, Senior Advocate i/b. Ms.P.M. Bhansali, Advocate for
Respondent No.3 – CIDCO.

Ms.R.A. Salunkhe, AGP for Respondent No.4.

Ms.Jaya Bagwe a/w. Ashwin Umrikar, Advocate for Respondent
No.5 (MCZMA).

Mr.S.S. Ambedkar, Advocate for Respondent No.6.

Mr.J.S. Kini a/w. Mr.Amu Kini i/b. Ms.Sapna S. Krishnappa,
Advocate for Respondent No.7.

**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 04 SEPTEMBER 2023.

P.C. :

The Petitioner who is a Co-operative Housing Society is
aggrieved by the communication issued by the Respondent–Navi
Mumbai Municipal Corporation, declining to issue occupation

certificate by an order dated 24 January 2012 to building constructed on Plot No.370 to 372 Sector 31, Navi Mumbai. Several reasons are stated therein and it is also stated that the plot is affected by the Regulations of Coastal Regulation Zone-II (CRZ-II) and therefore necessary no-objection from Maharashtra Coastal Zone Management Authority (MCZMA) is required. According to Petitioner and Respondent No.7-the developer, such permission is not required as the plot is not affected by CRZ-II. This aspect will have to be first examined by the MCZMA.

2 The Petitioner for last 11 years, inspite of this stipulation, has not approached the MCZMA. The Petitioner or Respondent No.7 will have to approach the MCZMA to get necessary clarification and the said clarification order either whether the plot is affected by CRZ-II or otherwise, will have to be placed it before the Municipal Corporation, who will then proceed as per law. The MCZMA, upon receipt of such application, will have to refer itself to the necessary parameters not only of the present situation, but when the building was constructed.

3 With these observations, we dispose of the Writ Petition.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)