

Varsha

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15318 OF 2023

Shivtej Builders and Developers ...Petitioner
Versus
The Navi Mumbai Municipal Corporation & Ors ...Respondents

Mr Suresh Sabrad, i/b JS Legal, for the Petitioner.
Mr Tejesh Dande, for Respondent No.1-NMMC.
Mr YD Patil, AGP for the Respondent-State.

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CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 11th December 2023

PC:-

1. For some reason that we cannot understand, the Maharashtra Coastal Zone Management Authority (“MCZMA”) insisted on 10th August 2023 that the Navi Mumbai Municipal Corporation (“NMMC”) had to “ensure” that the Petitioner “obtained permission” from this High Court before it granted an Occupation Certificate to the Petitioner.

2. At least as currently advised, this court is not bound by such directions of the MCZMA. That would require a substantial amendment to the Constitution of India. Nobody has proposed it yet.

3. We direct the NMMC to take up and process the Petitioner's application for an Occupation Certificate in accordance with law, without any regard whatever to Item 2 of the MCZMA order of 10th August 2023 at page 46. We clarify that it is not for the MCZMA to direct that this High Court's permission should or should not be obtained.

4. Mr Dande, Learned Counsel for Respondent No 1, states that the application will be processed expeditiously. We request that this be done in any event within eight to twelve weeks from today.

5. The Petition is disposed of in these terms.

(Kamal Khata, J)

(G. S. Patel, J)