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

PUBLIC INTEREST LITIGATION NO. 22 OF 2024

Zoru Darayus Bhathena

.. Petitioner

Versus

**Maharashtra State Road
Development Corporation & Ors.**

.. Respondents

**WITH
PUBLIC INTEREST LITIGATION (L) NO.8224 OF 2024**

**Bandra Reclamation Area
Volunteers Organization**

.. Petitioner

Versus

Union of India & Ors.

.. Respondents

Mr. Tushad Kakalia i/by Pushpa Thappar for petitioner in PIL/22/2024.

Ms. Ronita Bhattacharya Bector a/w Taiyaba Kazi i/by Amar Gharte for petitioner in PIL/8224/2024.

Dr. Milind Sathe, Senior Advocate a/w Mr. Bhushan Deshmukh, Ms. Aarushi Yadav, Ms. Anushka Sharma for respondent no.1 – MSRDC in PIL/22/2024.

Mr. S. K. Mishra, Senior Advocate i/by Ms. Jaya Bagwe for respondent no.2-MCZMA in PIL/22/2024.

Mrs. Shehnaz V. Bharucha for respondent no.1 in PIL/8224/2024.

Mr. Milind More, Addl. Govt. Pleader for respondent no.3 in PIL/22/2024 and for respondent no.2 in PIL/8224/2024.

Mr. Zal Andhyarujina, Senior Advocate and Mr. Karan Bhide a/w Mrs. Rati Patni, Mrs. Kathleen Lobo and Mr. Vikrant Dere i/by Wadia Ghandy & Co. for Interveners (Adani Developer Pvt. Ltd.) in PIL/22/2024 and PIL/8224/2024.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
AMIT BORKAR, J.**

DATE: 5th SEPTEMBER, 2024

P.C.:

- 1.** Since the subject matter of challenge in both these PIL petitions is intertwined, we propose to proceed with both the matters simultaneously.
- 2.** In Public Interest Litigation No. 22 of 2024, Union of India, Municipal Corporation concerned and the party in whose favour tender has been allotted for taking up development and construction, have not been impleaded as party-respondents.
- 3.** We, accordingly, direct that Union of India through the Ministry of Environment and Forest, Municipal Corporation of Greater Mumbai and the party in whose favour the subject tender has been allotted shall be impleaded as party-respondents. Mr. Zal Andhyarujina, learned senior counsel, has put in appearance on behalf of party in whose favour the subject tender has been allotted.
- 4.** Necessary amendment shall be incorporated by the learned counsel for the petitioner within a week. Re-verification is dispensed with.
- 5.** In Public Interest Litigation (L) No. 8224 of 2024, the Municipal Corporation concerned, Maharashtra Coastal Zone Management Authority and the party in whose favour certain tender relating to development and construction has been allotted, on whose behalf Mr. Zal Andhyarujina, learned senior

counsel, has put in appearance, have not been impleaded as party-respondents, though they are necessary parties.

6. Accordingly, we direct that the Municipal Corporation of Greater Mumbai, Maharashtra Coastal Zone Management Authority and the party in whose favour tender has been allotted shall be impleaded as party respondents. Mr. Zal Andhyarujina, learned senior counsel, has put in appearance on behalf of party in whose favour the subject tender has been allotted.

7. Necessary amendments shall be incorporated by the learned counsel for the petitioner within a week. Re-verification is dispensed with.

8. Since we propose to proceed with both the matters together, respondents are called upon to file their respective affidavits-in-reply in PIL No. 22 of 2024 within four weeks, however, while filing their affidavits, the respondents shall respond to the paragraphwise averments made in both the PIL petitions in addition to stating other pleas which may be available to them.

9. The rejoinder-affidavits to such affidavits-in-reply shall be filed by the petitioners within two weeks thereafter.

10. Stand over to **24th October, 2024**. To be listed **High on Board**.

11. Since a vital issue relating to environmental protection and ecology in the area, as also the biodiversity, is involved, we request the learned Additional Solicitor General of India to seek complete instructions and accordingly file the affidavit on behalf of the Union of India as directed above.

12. Our request to the learned Additional Solicitor General shall be communicated forthwith by Mrs. Bharucha, learned counsel, who appears for Union of India in PIL(L) No. 8224 of 2024.

13. Learned counsel for the petitioner in PIL(L) No. 8224 of 2024 seeks liberty to file an affidavit for bringing certain documents on record.

14. Leave for filing said affidavit is granted. The affidavit may be filed within a week after serving a copy thereof upon the learned counsel representing the respondents.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)

Digitally
signed by
PRAVIN
DASHARATH
PANDIT
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