



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 684 OF 2020

Rashtritya Girni Kamgar Sangh & Ors.

...Petitioners

Vs.

State of Maharashtra & Ors.

...Respondents

Mr. Gauresh Khandalekar, for the Petitioners.

Ms. S. S. Bhende, AGP for the State-Respondent Nos.1 to 6.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 11 JUNE 2025.

P.C.

1. This petition under Article 226 of the Constitution of India is filed in the interest of the 25000 textile workers who were working in 17 textile mills in Solapur district. It is the petitioners' case that for various reasons, the textile mills at Solapur had become sick and were required to be closed down resulting in large number of workers being rendered unemployed and who are suffering severe financial crisis.

2. It is the petitioner's contention that under the provisions of Maharashtra Regional and Town Planning Act, 1966, the State Government has approved the Rules insofar as the Mumbai mill workers are concerned, namely, the Development Control Regulations, 1991, which in Regulation No.33(15) (now Regulation No.35 of the Development Control and Promotion Regulations for Greater Mumbai, 2034) as also Regulation 58 of the D.C. Regulations, 1991, provide for benefits to the mill workers at

Mumbai. The petitioners contend that the mill workers in Solapur district who are now unemployed and who are facing severe financial difficulties, are at par with such textile workers in Mumbai, who do not have the benefits of similar regulations in the D.C. Regulations as framed by the Solapur Municipal Corporation. It is their contention that the Government therefore, needs to consider to bring the mill workers at Solapur at par insofar as the benefits accorded to the mill workers at Mumbai are concerned. It is on such premise, the present petition has been filed praying for the following substantive reliefs:-

“a. By an appropriate writ, order or direction of this Hon’ble Court, the Respondents be directed to make similar provision in Development Control and Promotion Regulations for D Class Municipal Corporation in Maharashtra as far as District Solapur is concerned as contained in Regulation No.58 of Development Control Regulations for Greater Mumbai, 1991 and Regulation No.33(15) and Regulation No.35 of Development Control & Promotions Regulations for Greater Mumbai, 2034.

(b) By an appropriate writ, order or direction of this Hon’ble Court, the Respondents be directed to take decision on various representations submitted by the petitioners (Exh.H1 to H43)”

3. Learned AGP Mrs. Bhende has tendered an affidavit of Mr.Rajendra M. Pawar, Joint Director, Town Planning, Pune Division, on behalf of the Principal Secretary, Urban Development Department, Mantralaya, Mumbai. A perusal of the affidavit indicates that a positive stand has been taken by the State Government in the affidavit stating that the State Government is seriously considering the representation of the petitioners to incorporate Regulation No.33(15) and 35 of DCPR Greater Mumbai 2034 into Unified

Development Control and Promotion Regulations (UDCPR). The relevant contents in the affidavit, are required to be noted, which read thus:

“3.I say that, when it comes to availability of land and its prices, there is a huge difference between a Mumbai which is a metropolitan city and Solapur which is a “D” Class Municipal Corporation.

4. I further say that Mumbai is a commercial capital of India and is highly urbanised and densely populated. There is a severe shortage of land in Mumbai and most of the available lands in Mumbai are already occupied and/or developed. I therefore say that, Greater Mumbai Municipal Corporation has a special development control regulations for its development i.e. “Development Control & Promotion Regulation for Greater Mumbai 2034” (hereinafter referred as the said Regulations).

5. I say that the said Regulations provides special provisions for development of sick and/or closed mills lands. The millworkers having very meagre income source, cannot afford the housing in the metropolitan city like Mumbai. I thus say that, the abovesaid provisions are made to provide housing to the mill workers in part of land at the same time to make lands available for recreation spaces and development for free sale by land owner.

6. I say that in Solapur which is at D Class Municipal Corporation, there are more open lands available for development resulting incost of land as reasonable. As a result, similar provisions of Development Control and Promotion Regulation for Greater Mumbai – 2034, are not there for Solapur or any other Municipal Corporation.

7. I say that though, above facts are in the true spirit of law, the State Government is seriously considering the representation of the petitioner to incorporate Regulation No.33(15) and 35 of DCPR Greater Mumbai (2034) into Unified Development Control and Promotion Regulations (UDCPR).

8. I say that this being a policy decision, State Government will form a Committee to study the demands of the Petitioner and seek a detailed report from the committee so that it can make a unified policy for the housing of mill workers throughout the State of Maharashtra.”

4. We are satisfied with the stand taken by the State Government. It is ultimately for the State Government to frame appropriate policy and/or Regulations as requested by the petitioners which is in the realm of the

subordinate legislation. We accept the statement as made in the affidavit.

5. In this view of the matter, in our opinion, further adjudication of the petition is not called for. We, however, order that an early decision in this regard be taken as stated in the affidavit, which be taken within a period of three months from the date a copy of the order being made available.
6. All contentions of the parties are expressly kept open.
7. Disposed of in the aforesaid terms. No costs.
8. List the proceedings after three months to record compliance.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)