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

WRIT PETITION NO.6746 OF 2024

Pawan Rajaramrao Kadam	.. Petitioner
Vs.	
The State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION (ST) NO.17210 OF 2024**

Haresh Manohar Keni	.. Petitioner
Vs.	
The State of Maharashtra & Ors.	.. Respondents

Dr. Milind Sathe, Senior Advocate with Mr. Vishal Kanade, Mr. Chinmay Acharya, Mr. Kevin Pereira i/b. Mr. Balkrishna G. Tangsali, Advocates for the Petitioner in Writ Petition No.6746 of 2024.

Mr.Anil V. Anturkar, Senior Advocate a/w Mr. Yatin Malvankar i/b. Mr.Vaibhav Thorave, Advocates for Petitioner in Writ Petition (St) No.17210 of 2024.

Mr. Pravin Samdani, Senior Advocate with Mr.Sagheer A Khan. Mr. Aqil Khan, Mrs.Insha Shaikh, Ms.Sauda S.Nachan & Mr. Afsha Khan i/b. Judicare Law Associates, Advocates for respondent-M/s. Okay Developers Pvt Ltd. in Writ Petition No.6746 of 2024.

Mr. Girish Godbole, Senior Advocate with Mr. Rahul Soman i/b. Mr. Vijay Kumar Aggarwal, Advocates for Respondent-CREDAI Banm-Raigad Welfare Association in Writ Petition No.6746 of 2024.

Dr.Birendra Saraf, Advocate General a/w Ms. Shruti. D.Vyas, Additional Government Pleader & Mr.Vaibhav Charalwar 'B' Panel Counsel for Respondent Nos. 1 & 2 in Writ Petition No.6746 of 2024 and WP(ST) No.17210 of 2024.

Dr.Birendra Saraf, Advocate General a/w Mr. O. A. Chandurkar, Additional Government Pleader with Mr. Vaibhav Charalwar 'B' Panel Counsel & Mrs.G.R.Raghuwanshi, Assistant Public Prosecutor for Respondent Nos. 1 & 3 in PIL No.140 of 2024.

Mr. Sameer Patil, Advocate for the Respondent No. 4 (CIDCO) in Writ Petition No.6746 of 2024.

Mr. P. S. Dani, Senior Advocate i/b. Mr. Sarang S. Aradhye and Ms. Gauri Velankar, Advocates for Respondent No. 3 in Writ Petition No.6746 of 2024 and Writ Petition (St) No.17210 of 2024.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 19th SEPTEMBER 2025.

P.C. :

Mr. Sameer Patil, the learned counsel for 4th respondent-CIDCO makes a statement in the Court, on instructions from the competent authority, that the CIDCO shall sail along with the reply filed by the 1st respondent-State of Maharashtra.

2. Dr Milind Sathe, the learned senior counsel for the petitioner in Writ Petition No.6746 of 2024 takes us through the statutory provisions under the Maharashtra Regional and Town Planning Act, 1966 (in short, MRTP Act), the Government Notification dated 2nd December 2024 and the clarifications issued by the Municipal Corporation, Panvel. In the background of the statutory provisions, the learned senior counsel for the petitioner submitted that the proposed modification in the Development Plan has changed the basic character of the Development Plan and such modification has been made in the teeth of the provisions under section 126 of the MRTP Act. The learned senior counsel further submitted that while not advertent to the clarifications of the Municipal Corporation, the government acted in arbitrary manner and published the amendment through Gazette Notification dated 7th October 2024. The learned senior counsel endeavoured to demonstrate before the Court how the modification through amendment dated 7th October

2024 shall act to the detriment of the land owners like the petitioner.

3. We find that there has been amendment in the pleadings, particularly, in paragraph nos. 20A and 20B incorporated through the amendment but there is no specific rebuttal in the affidavit filed by the respondent-State of Maharashtra. However, Dr. Birendra Saraf, the learned Advocate General submits that in the present proceedings this Court may first reflect on the *locus* of the petitioners and the powers of the writ Court under Article 226 of the Constitution of India to interfere with the delegated legislation.

4. Ms. Shruti Vyas, the learned assisting counsel to the learned Advocate General tenders a copy of the compilation of judgments, copy thereof be served upon the learned assisting counsels to the learned senior counsels appearing for the petitioners and the learned counsels for the interveners.

5. It shall be liberty reserved to the interveners to address the Court on the legal issues and may be with reference to the submissions made in their respective interim applications.

6. The interim order dated 3rd July 2024 to continue till the final disposal of these writ petitions.

7. For further arguments, post the matters on 22nd September 2025 at 4.00 P.M. alongwith Writ Petition (St.) No. 31132 of 2025 and Writ Petition (St.) No. 31095 of 2025 (Appellate Side).

BHARAT
DASHARATH
PANDIT

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Date: 2025.09.20
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[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]