

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

WRIT PETITION NO.18279 OF 2024

Patel and Associates

... Petitioner

V/S.

Union of India Thr The Ministry Of
Environment Forest And Ors.

... Respondents

Mr. Saket Mone a/w. Ms. Anchita Nair i/b Vidhi Partners for the
Petitioner.

Mr. Sandesh D. Patil a/w. Mr. Prithviraj Gole, Mr. Chintan Y. Shah i/b
Naveena K. for Respondent No.1-UOI.

Ms. Jaya Bagve for Respondent No.2-MCZMA.

Mr. Tejas Dande a/w. Ms. Trushna Shah for Respondent No.4.

Mr. O. A. Chandurkar, Addl. G. P., Mr. N. K. Rajpurohit, AGP for
Respondent Nos.3 and 5.

**CORAM : ALOK ARADHE, CJ. AND
M. S. KARNIK, J.
DATE : 2nd APRIL 2025**

P. C. :

1. Rule. Rule returnable forthwith with the consent of the
parties.

2. In this petition, the Petitioner has assailed the decision of the
Ministry of Environment and Forest dated 21/11/2024 by which the
Ministry has refused to consider the proposal of the Petitioner for
grant of CRZ clearance and returned the proposal of the Petitioner.

3. Learned counsel for the parties jointly submit that in view of
the Supreme Court order dated 19/2/2025 passed in Writ Petition
No.1394/20023, the MOEF is under an obligation to consider the

proposal submitted for CRZ clearance.

4. The facts giving rise to filing of this Petition in nutshell are that the Petitioner on 5/6/2018 submitted an Application seeking *post facto* clearance to MCZMA. The aforesaid Application was submitted within the prescribed period i. e. which was up to 30/6/2018. No decision was taken on the aforesaid application and therefore the Petitioner approached this Court by filing Writ Petition No.3281/2023. The said Writ Petition was disposed of with the direction to MCZMA to decide the Application dated 5/6/2018 for grant of *post facto* clearance within a period of 8 weeks.

5. In compliance of the order passed, MCZMA forwarded the recommendation to the Ministry of Environment and Forest. However no decision on the aforesaid recommendation which has been made in favour of the petitioner by MCZMA has been taken by Ministry of Environment and Forest. In this aforesaid factual background, the petitioner has approached this Court seeking direction to MO EF to decide recommendation which has been made by MCZMA for grant of *post facto* clearance.

6. Learned counsel for the Petitioner submits that the MOEF is under an obligation to deal with the recommendations which have been submitted by MCZMA and cannot be permitted to sit over the recommendations made by the MCZMA. On the other hand,

learned counsel for respondent No.1 on instructions submits that suitable decision on recommendation of MCZMA shall be taken within such time as this Court may deem fit.

7. In the facts and circumstances of the case, we deem it appropriate to dispose of the Writ Petition with direction to the Ministry of Environment and Forest to take decision on the recommendations submitted by MCZMA in respect of the Petitioners by a speaking order within a period of 6 weeks from today. Accordingly, the Writ Petition is disposed of.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)