



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8968 OF 2025

Navi Mumbai Municipal CorporationPetitioner

Vs.

Union Of India & Ors.Respondents

Mr. Saket Mone, with Mr. Vishal Shirke, for the Petitioner.

Ms. Shruti Vyas with Ms. Priyanka Chavan, for the Respondent No.1-
UOI

Mr. O. A. Chandurkar, Additional Government Pleader with Mr.
Ketan Joshi, 'B' panel for the State

Mr. Suresh Logdive, Dy. Engineer & Mr. Sandesh Bhanushali, Section
Engineer, NMMC.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 11th July 2025.

P.C.:-

1. The Petitioner essentially seeks a direction to the Respondent Authorities to permit the Petitioner to execute the project of reconstruction/repairing the existing 800 mm Dia MS water Pipeline in Phase-II, including reconstruction of bridge over Taloja Creek between Belapur to Kalamboli Junction, Navi Mumbai on land bearing Survey No. 27 in Kolhekar, Survey No. 16 in Kamothe and Survey No. 80 in Kharghar under AMRUT 2.0 scheme ('said project').

In view of the directions of this High Court recorded at paragraph 83(viii) of the Judgment and Order dated 17th September 2018 in PIL No.87 of 2006, the Petitioner requires permission of this Court for the said project.

2. The Petitioner is the Navi Mumbai Municipal Corporation. The Respondent No. 1 is the Union of India through its Ministry of Environment and Forest and Climate Change ('MoEF&CC'); the Respondent No. 2 is the Maharashtra Coastal Zone Management Authority ('MCZMA'); the Respondent No. 3 is the State of Maharashtra and the Respondent No. 4 is the Chief Conservator of Forest (Mangroves Cell).

3. The Government of India formulated the Atal Mission for Rejuvenation and Urban Transformation ('AMRUT'), an action plan for development and improvement of infrastructural activities, particularly in urban areas. The AMRUT 2.0 scheme's major objective is to provide 100% coverage of water supply and sewerage connection. The project was awarded by the Central Government under the scheme to Belapur Ward, Navi Mumbai and it received technical sanction/approval in November 2022 and administrative approval on 9th February 2023.

4. It is the Petitioner's case, that the existing water supply (mild steel) pipeline of 800mm diameter for the same length i.e., 8261 meters is already supplying water from Kalamboli junction to Belapur. However, over a period of 35 years, the existing pipeline and the bridge over Taloja Creek which supports the said pipeline, are in a dilapidated condition and thus, requires urgent replacement.

5. The existing pipeline has been proposed for replacement with a 24X7 water supply system, featuring a diameter of 800mm and total length of 8261 meters and one bridge over Taloja Creek for supporting the water pipeline of 145 meters in length and 6 meters wide. This is expected to improve the water infrastructure with wide ranging benefits for residents, businesses and environment. The construction of a new bridge for a water pipeline would ensure safety, durability, reliability and cost effectiveness, safeguarding the essential water infrastructure and meeting the needs of the community.

6. The Petitioner approached the Institute of Remote Sensing, Chennai as per CZMP, 2019. As per their report, the said project site falls under CRZ-IA (50m mangrove buffer zone), CRZ-II, CRZ-IVB and outside CRZ area. The bridge on which the pipeline is

to be laid over the Taloja creek falls under CRZ-IA (50m mangrove buffer zone) and CRZ-IVB. The said project is a permissible activity as per Clause 5.1.1 (ii), (iii), Clause 5.1.2 (xv), Clause 5.2(i), Clause 5.4(iii) and Clause 7(iii) of the Coastal Regulation Zone Notification 2019 ('CRZ Notification, 2019'). There is no destruction of mangroves contemplated for the said project.

7. The Petitioner vide a letter dated 1st July 2024, addressed to the Divisional Forest Officer, MMCU, requested them to conduct a site visit. Pursuant to the said letter, they conducted the site visit and granted NOC for the said project by its letter dated 10th June 2025, for laying of the said pipeline as well as for construction of the said bridge. Thereafter, the Respondent No. 2- MCZMA, considered the said project in its 176th meeting held on 5th August 2024 and it recommended the said project for grant of CRZ clearance subject to certain conditions.

8. After the said decision of the Respondent No.2- MCZMA, the proposal was placed before the Expert Appraisal Committee ('EAC') of the Respondent No.1-MoEF&CC. On 7th November 2023, the EAC in its 379th Meeting, considered the proposal and deferred it with

an observation that multiple parallel bridges already exist across Taloja Creek and building a new bridge outside the alignment of the existing bridge would obstruct the natural flow of the water in the creek and hinder tidal influence. The EAC recommended the Petitioner to consult with the MIDC and submit a revised proposal for dismantling the existing bridge and constructing a new one.

9. The Petitioner accordingly consulted the MIDC and came up with a revised proposal for dismantling the existing bridge and constructing a new one and submitted the same to the EAC. Thereafter, the EAC in its 383rd meeting dated 11th December 2024, recommended the said project subject to certain Specific and General conditions. As per Specific Condition No.(14) of the recommendation, prior leave of this Court is required before commencement of the said project.

10. In PIL No.87 of 2006, a Division Bench of this Court issued several guidelines and while disposing the said PIL declared that mangroves are necessary to be preserved for attaining ecological balance and the State is duty bound to protect the same. In the order dated 17th September 2018, it was, inter alia, held as under: -

*“83 (viii) In view of applicability of public trust doctrine, the State is duty bound to protect and preserve mangroves. The mangroves cannot be permitted to be destructed by the State for private, commercial or any other use **unless the Court finds it necessary for the public good or public interest.**”*

Thus, the order dated 17th September 2018 passed by this Court clearly envisages seeking leave of this Court for execution of any project in the CRZ area.

11. Mr. Saket Mone, learned counsel for the Petitioner submits that the said project is a public utility project. It is further submitted that the said project does not entail felling of any mangroves and the Petitioner has obtained all the statutory permissions. Therefore, it is contended that the permissions be granted for the said project. He also submits that in addition to the specific permission of obtaining the leave of this Court, the Petitioner has also obtained specific permissions which are as under:

- a. Specific Condition No.(ii) imposed by the Respondent No. 2 in the minutes of its 176th meeting held on 5th August 2024;
- b. Specific Condition No.(14) imposed by the Respondent

No.1 in the minutes of its 383rd meeting dated 11th December 2024, wherein the project was recommended for clearance;

c. Specific Condition No.(15) imposed by the Respondent No.1 in the CRZ clearance dated 20th January 2025.

12. On the other hand, Ms. Shruti Vyas, learned counsel representing the Union of India and Mr. O. A. Chandurkar, learned Additional G. P. representing the Respondent-State submitted that the clearances have been granted to the project of the Petitioner and the Petitioner is bound to comply with the terms and conditions subject to which the clearances have been granted.

13. We have heard learned counsel appearing for the parties and perused the record with their assistance.

14. The said project in question is a public utility project. All the authorities, i.e., MoEF&CC and MCZMA have granted permissions to the said project. It is also pertinent to note that the said project does not involve cutting of any mangroves. It is seen that the MCZMA had recommended the said project for grant of CRZ clearance by the MoEF&CC, which in turn, granted the CRZ clearance.

15. Thus, the Petition is allowed in the aforesaid terms, subject to the condition that a responsible officer of the Petitioner shall file an undertaking before this Court within a period of two weeks stating that the Petitioner shall ensure strict compliance of the Specific and General conditions, which are imposed in the permissions secured by it from various authorities.

16. The Petition stands disposed of accordingly on the aforesaid terms.

17. List the Petition for recording compliance of paragraph 15 of the aforesaid order.

18. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)