

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

WRIT PETITION NO.6746 OF 2024

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Pawan Rajaramrao Kadam

.. Petitioner

Vs.

The State of Maharashtra
Through Department of Urban
Development & Ors.

.. Respondents

WITH

WRIT PETITION NO.12870 OF 2025

Mandar Mahesh Vaidya

.. Petitioner

Vs.

The State of Maharashtra
Through Department of Urban
Development & Ors.

.. Respondents

WITH

WRIT PETITION (ST) NO.17210 OF 2024

Haresh Manohar Keni

.. Petitioner

Vs.

The State of Maharashtra
Through Department of Urban
Development & Ors.

.. Respondents

WITH

WRIT PETITION (ST) NO.31132 OF 2025

Anuj Mahendra Banthia & Ors.

.. Petitioner

Vs.

The State of Maharashtra
Through Department of Urban
Development & Ors.

.. Respondents

...

Dr. Milind Sathe, Senior Advocate with Mr. Chinmay Acharya,
Mr. Kevin Pereira i/b. Mr. Balkrishna G. Tangsali Advocates for
Petitioner in WP/6746/2024.

Mr. Anil V.Anturkar, Senior Advocate a/w Mr. Yatin Malvankar i/b. Mr. Vaibhav Thorave Advocates for Petitioner in WPST/17210/2024.

Mr. Anil Y. Sakhare, Senior Advocate a/w Mr. A.L.Mirza for the Petitioner in WPST/31132/2025

Mr.Mandar Limaye a/w Mr. A. L. Mirza for the Petitioner in WP/12870/2025

Mr. Pravin Samdhani, Senior Advocate with Mr. Aqil Khan, Mrs. Insha Shaikh, Ms. Sauda S. Nachan & Mr. Afsha Khan & Ms. Fatima i/b. Judicare Law Associates, Advocates for Respondent-M/s. Okay Developers Pvt Ltd. in WP/6746/2024

Mr. Bharat R. Zaveri, for Respondent No.7 in WP/6746/2024

Mr. Girish Godbole, Senior Advocate with Mr. Rahul Soman i/b. Mr. Vijay Kumar Aggarwal, Advocates for Respondent-Credai Banm-Raigad Welfare Association in WP/6746/2024

Mr. Ashutosh A. Kumbhakoni, Senior Advocate, Special Counsel a/w Ms. Neha Bhide, Government Pleader, Ms. Shruti. D. Vyas, Additional Government Pleader & Mr. Vaibhav Charalwar 'B' Panel Counsel & Mrs. G. R. Raghuwanshi, Assistant Public Prosecutor for Respondent – State

Mr.Sameer Patil for the Respondent -CIDCO in WP/6746/2024.

Mr.Soham Bhalerao a/w Mr.Harshit Tyagi i/b DSK Legal for Respondent-CIDCO in WPST/31132/2025

Mr. Prasad S. Dani, Senior Advocate i/b. Mr. Sarang S. Aradhye and Ms. Gauri Velankar, Advocates for Respondent – Panvel Municipal Corporation

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

DATE : 3rd DECEMBER 2025

P.C. :

Mr. Bharat R. Zaveri, the learned counsel for the respondent no.7 in Writ Petition No.6746 of 2024 tendered the list of dates and

events and made his submissions and relied on the judgment in “*R. Pushpam & Anr. v. The State of Madras represented by the Secretary, Local Administration Department, Fort St George, Madras & Anr.*” 66. L.W. 53.

2. Mr. Ashutosh A. Kumbhakoni, the learned senior counsel argued on behalf of the State and contended that the impugned amendment is a delegated piece of legislation and the Unified Development Control and Promotion Regulations, 2034 (UDCPR 2034) are legislative in nature and not executive. He has argued that it is solely at the option of the land owner whether to accept the TDR or to opt for the compensation against acquisition of his land. In support of his arguments, the learned senior counsel has tendered the compilation of judgments which is taken on record. He mainly relied on “*Dental Council of India v. Biyani Shikshan Samiti & Anr.*” (2022) 6 SCC 65, “*Pune Municipal Corporation & Anr. v. Promoters & Builders Association & Anr.*” (2004) 10 SCC 796, “*Janhit Manch v. State of Maharashtra*” (2006) SCC Bom. 1145, “*Amit Maru v. State of Maharashtra*” (2014) 4 Bom CR 568 and the full Bench judgment of this Court in “*Shree Vinayak Builders and Developers, Nagpur v. State of Maharashtra & Ors.*” 2022(4) Mh.L.J. 739.

3. In response to the arguments raised by Mr. Anil V. Anturkar, the learned senior counsel for the petitioner in Writ Petition (St) No.17210 of 2024, Mr. Ashutosh A. Kumbhakoni, the learned senior counsel has taken us to Section 22(m) and Section 2(9A) of the Maharashtra Regional and Town Planning Act, 1966 and concluded his submissions.

4. Mr. Pravin Samdhani, the learned senior counsel for the Respondent-M/s. Okay Developers Pvt Ltd. in Writ Petition No.6746 of 2024 has tendered the written submissions along with

compilation of documents, which are taken on record. Mr. Pravin Samdhani, the learned senior counsel has commenced his submissions.

5. Post these matters for further arguments on 10th December 2025, high on Board.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]