

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (St.) NO. 6381 OF 2025

WITH

REVIEW PETITION (St.) NO. 6376 OF 2025

IN

PUBLIC INTEREST LITIGATION NO. 28 OF 2019

M/s. Progressive Homes

...Review Petitioner/

IN THE MATTER BETWEEN

Indian Institute of Architects

...Petitioner

Versus

The City and Industrial Development

Corporation & Ors.

...Respondents

WITH

INTERIM APPLICATION (St.) NO. 7806 OF 2025

WITH

INTERIM APPLICATION NO. 7807 OF 2025

WITH

REVIEW PETITION IN PIL (St.) NO. 1719 OF 2025

IN

PUBLIC INTEREST LITIGATION NO. 28 OF 2019

Mr. Aspi Chinoy, Senior Advocate a/w Mr. Girish Godbole, Sr. Adv., Mr. Nachiket Khandalkar, Ms. Shamim Shaikh i/b Mr. Vijay K. Aggarwal for the Petitioner in RPW(ST) No.6376 of 2025 and Applicant in IA(ST) No.6381 of 2025.

Mr. Ravi Prakash, Sr. Adv. a/w Mr. Farman Ali, Mr. Sagar Shetty, Mr. Soham Bhalerao a/w. Harshit Tyagi for CIDCO / Petitioner in RPI(ST) No. 1719 of 2025 and Applicant in IA(ST) No.7806 of 2025 a/w IA No.7807 of 2025.

Mr. Indrajeet R. Kulkarni for Respondent No.1 / Org. Petitioner in PIL No. 28 of 2019.

Mr. Manish M. Pabale, AGP for the State/Respondent Nos.2, 4, 6 & 7.

Mr. Tejesh Dande a/w Mr. Bharat Gadhavi for Respondent No.3 / NMMC.

Mr. Vijay Kumar Aggarwal a/w Ms. Shamim Shaikh for the Respondent No.5 in RP(ST) No.1719 of 2025.

Ms. Nilima Sanglikar for Respondent No.8.

Mr. Shivraj Borade, Law Officer, JOTP Kokan Division, present.

**CORAM : G. S. KULKARNI &
JITENDRA JAIN, JJ.**

DATE : 11 JULY 2025

P.C.:

1. The proceedings are listed before us today on the backdrop of our order dated 13 June 2025, wherein we have categorically recorded the plea as urged on behalf of the State Government in regard to actual demarcation of the land in question which is to be handed over to the State Government for setting up of sports complex, as observed by this Court in the judgment under review dated 1 July 2024.
2. The demarcation of the land, as suggested and placed before us at such point of time was in the manner as suggested in the letter dated 12 June 2025 addressed by the Joint Director, Town Planning Kokan Division, Mumbai. On such premise we had categorically observed that, whatever may be the demarcation as suggested, the only concern of the Court is that the State Government receives such land from CIDCO in terms of our decision dated 1 July 2024, and such land is wholly and fully available for construction of the State Government's Sports Complex without any restrictions of any nature whatsoever.
3. It is pointed out by Mr. Pabale, learned Additional Government Pleader that accordingly, the Deputy Superintendent of Land Records has undertaken an exercise of measurement and has prepared a measurement map, on the basis of which affidavit of Shri Shrikant Marutirao Deshmukh, Joint Director of Town Planning, Kokan Division is placed on record today setting out the following relevant paragraphs:

"9. I say and submit that the correspondence from the office of

the DSLR was communicated to the Office of the Government Pleader by this office by letter dated 7.7.2025. The Additional Government Pleader, via email dated 8.7.2025, reaffirmed the directions of this Hon'ble Court to the State Government to carry out necessary measurements and the statutory duty of the Land Records Department to carry out demarcations within their jurisdiction. Thereafter, vide letter dated 9.7.2025, the office of the DSLR, Thane informed this office that the measurement will be conducted on 10.7.2025.

10. I say and submit that, the Deputy Superintendent Land Records (DSLR), Thane vide letter No.1658 dated 10.7.2025, has submitted a certified copy of the measurement map in conformity with the land records and as demarcated as shown by the representatives of the CIDCO. I further say and submit that, the DSLR, Thane, has demarcated the land of 8.00 Hectares, as shown by the representatives of the CIDCO as mentioned in the Legend and Notes of the Measurement Plan. The same measurement Plan, as certified by the DSLR, Thane, is attached herewith as Annexure R-1.

11. I state and confirm that upon a combined perusal of: (i) the maps submitted by CIDCO vide its affidavit dated 7.5.2025, (ii) the CRZ line demarcation obtained from the Institute of Remote Sensing, Anna University, Chennai, and (iii) the measurement map received from the Land Records Department, it is observed that the area of land is unaffected by CRZ, as demarcated by CIDCO and as measured by the Land Records Department, is 8.00 hectares."

4. We are not satisfied with the aforesaid contents of the Affidavit. It appears to us that this exercise was hurriedly undertaken yesterday i. e. on 10 July 2025. There needs to be an appropriate demarcation and it should be in the presence of all the parties.

5. Mr. Pabale, has fairly stated that an appropriate exercise in that regard shall be undertaken and a proper affidavit and more particularly in terms of what we have observed in our

earlier order namely that the State Government shall receive such land from CIDCO which is wholly and fully available for construction of State Government's sports complex, without any restrictions of any nature whatsoever, shall be placed on record. Accordingly, the concerned official shall 'demarcate' and 'clearly identify' such land which is fully developable for the sport complex, to be handed over by the CIDCO to the State Government for such purpose, and accordingly a map be prepared and annexed to such affidavit with such averments *qua* the said observations of the Court, to be placed on record.

6. We are, of the opinion that such exercise needs to be undertaken in the presence of the representatives of the petitioner, CIDCO, Navi Mumbai Municipal Corporation the District Superintendent of Land Records, and accordingly the Joint Director of Town Planning, Kokan Division shall file a fresh affidavit.

7. Let Mr. Pabale inform all the parties of the convenient date on which such exercise can be undertaken of proper demarcation and identification of land which would fully available for such development without any restrictions. To enable such exercise to be completed, we adjourn the proceedings for three weeks.

8. In the event such exercise is completed on an earlier date, liberty to parties to apply.

9. The affidavit to be filed on behalf of the State Government be forwarded to all the parties 48 hours in advance to the adjourned date of hearing.

10. Stand over to 1 August 2025.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]