

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.3530 OF 2024

Shramjivi Co-operative Housing Society Ltd. ...Petitioner
Versus
Union of India ...Respondent

**WITH
WRIT PETITION (L) NO.13568 OF 2024**

Kannamwar Nagar Sindhudurg Co-operative
Housing Society Ltd. ...Petitioner
Versus
Union of India ...Respondent

**WITH
WRIT PETITION (L) NO.13569 OF 2024**

Post And Telegraphs Staff Co-operative
Housing Society Ltd. ...Petitioner
Versus
Union of India ...Respondent

**WITH
WRIT PETITION (L) NO.13571 OF 2024**

Hariyali Jeevan Co-operative
Housing Society Ltd. ...Petitioner
Versus
Union of India ...Respondent

**WITH
WRIT PETITION (L) NO.13573 OF 2024**

Arun Niwara Co-operative
Housing Society Ltd. ...Petitioner
Versus
Union of India ...Respondent

**WITH
WRIT PETITION (L) NO.13587 OF 2024**

Anand Vasti Co-operative Housing Society Ltd.	...Petitioner
Versus	
Union of India	...Respondent

**WITH
WRIT PETITION (L) NO.13599 OF 2024**

Kannamwar Nagar Takshashila Co-operative Housing Society Ltd.	...Petitioner
Versus	
Union of India	...Respondent

**WITH
WRIT PETITION (L) NO.13601 OF 2024**

Vikramchandra Co-operative Housing Society Ltd.	...Petitioner
Versus	
Union of India	...Respondent

**WITH
WRIT PETITION (L) NO.13604 OF 2024**

Shukalendu Co-operative Housing Society Ltd.	...Petitioner
Versus	
Union of India	...Respondent

**WITH
WRIT PETITION NO.3592 OF 2024**

Kannamwar Nagar Gulmohar Co-operative Housing Society Ltd.	...Petitioner
Versus	
Union of India	...Respondent

Mr. Saket Mone a/w Ms. Anchita Nair i/b Vidhi Partners for the Petitioners in all matters.

Mr. Ashok R. Varma a/w Parag Vyas, for Respondent No.1 UOI in WP/3530/2024.

Mr. Siddharth Chandrashekhar a/w Ms. Sneha Prabhu for Respondent No. 3 to 5 MHADA in all matters.

Adv. Jaya Joil Bagwe For Respondent No.6 (MCZMA) in all matters.

Adv. Oorja Dhond i/b Komal Punjabi Adv. For Respondent No.7 MCGM in WP/3592/2024.

Smt. P.H.Kantharia GP with Smt. Varsha Sawant AGP for State in WP/3530/2024.

Smt. Jyoti Chavan Addl.GP with Smt. Fatima Lakadawala, AGP for State in WPL/13568/2024.

Shri. Mohit P Jadhav Addl.GP with Shri. Prashant Kamble, AGP for State in WPL/13569/2024.

Shri. Abhay L Patki Addl.GP with Shri. Suraj Gupte AGP for State in WPL/13571/2024.

Smt. P.H.Kantharia GP with Smt. Nazia Sheikh AGP for State in WPL/13573/2024.

Smt. Vaishali Choudhari, Addl.GP a/w Smt. Poonam Mittal AGP for State in WPL/13587/2024.

Shri. Vishal Thadani Addl.GP with Shri. Vishal S Khanavkar AGP for State in WPL/13599/2024.

Smt. P.H.Kantharia GP with Smt. Lavina Kriplani AGP for State in WPL/13601/2024.

Smt. Prachi Tatake Addl.GP with Shri. Dipesh Siroya AGP for State in WPL/13604/2024.

Smt. Jayamala J Ostwal Addl.GP with Smt. Anupama Pawar AGP for State in WP/3592/2024.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATE : 2nd JANUARY, 2025

P. C.

1. Affidavit-in-reply filed by MCZMA is taken on record, a

copy of which has also been tendered to the learned counsel representing to the Maharashtra Housing and Area Development Board, MHADA.

2. *Prima-facie* it appears that since it is a case where redevelopment is being sought and the construction existed from before 1960s, the judgment rendered by a co-ordinate bench of this Court dated 29th July, 2015 in a bunch of matters, ***The Bombay Environmental Action Group Vs. The State of Maharashtra and others*** and other connected matters will have application so far as the prayer made by the Petitioner society in this writ petition is concerned. Our attention has also been drawn to a letter dated 2nd August, 2022 written by MHADA to the Department of Environment and Climate Change and also to the MCZMA, whereby the MHADA has opined that mangrove and buffer zone is not applicable to the subject column and therefore the said area falls under CRZ-II and not CRZ-IA.

3. In these circumstances, we direct that appropriate decision shall be taken by the competent authority of MHADA in

the matter keeping in view the aforementioned judgment, the submissions made in the affidavit-in-reply filed by the MCZMA and the contents of the letter dated 2nd August, 2022. The decision to be taken under this order shall be brought to the notice of this Court by way of affidavit by the next date of listing.

4. Stand over to **30th January, 2025**. To be placed **high on board**.

[AMIT BORKAR, J.]

[CHIEF JUSTICE]