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

PUBLIC INTEREST LITIGATION NO. 1 OF 2025

Sagar Devre S/o Kantilal Devre .. Petitioner

Versus

The Union of India & Ors. .. Respondents

Mr. Sagar Devre, petitioner-in-person.

Mr. Anil C. Singh, Additional Solicitor General with Mr. Aditya Thakkar, Mr. Ashish Chavan, Ms. Savita Ganoo, Mr. D. P. Singh, Mr. Adarsh Vyas, Ms. Ruchita Verma & Ms. Rama Gupta for respondent nos.1 and 2 – Union of India.

Mr. Milind More, Addl. Government Pleader for respondent no.3-State.

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**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 10th JULY, 2025

ORAL ORDER [Per Chief Justice]:

- 1.** With the consent of petitioner, who appears in person and the learned counsel for the respondents, heard finally.
- 2.** The petitioner-in-person claims to be a practicing advocate and social activist. In this petition, which has been filed as Public Interest Litigation, the petitioner has assailed the validity of the Cabinet decisions dated 7th August, 2024

and 30th September, 2024 taken by the Government of Maharashtra, by which decision has been taken to seek transfer 255.6 Acres of Salt Pan Lands situated at Mulund, Bhandup and Vikhroli for construction of tenements for Project Affected Persons (hereinafter referred to as "PAP tenements"). The petitioner has also questioned the Office Memorandum dated 23rd August, 2024 issued by the Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade by which decision has been taken for transfer of salt pan lands to Governments and Government agencies inter alia for slum redevelopment, affordable housing, EWS housing, PAP housing, etc.

3. Facts giving rise to filing of this Public Interest Litigation, in nutshell, are that the Government of Maharashtra sometime in the year 2018 had conceived project for redevelopment of the Dharavi Notified Area. The validity of the aforesaid project was challenged before a Division Bench of this Court in Writ Petition No. 4823 of 2022. The aforesaid writ petition has been dismissed on 20th December, 2024. The State Government on 7th August, 2024 passed a cabinet resolution seeking to apply for transfer of salt pan lands situate in Mulund, Bhandup and Vikhroli comprising of 255.6

Acres for providing affordable housing, Pradhan Mantri Awas Yojana and for project affected persons under the Dharavi Redevelopment Project. The Government of Maharashtra, thereupon, sent a communication to the Central Government to transfer the aforesaid land. The Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade issued Office Memorandum dated 23rd August, 2024 by which Internal Policy Guidelines-2024 were issued for transfer of salt pan lands owned by the Government of India through Salt Commissioners Organization. The Government of Maharashtra thereafter passed a cabinet Resolution for working out the modalities for taking out the salt pan lands. The petitioner, who is an advocate and claims to be a social worker, is aggrieved by the aforesaid decisions and has approached this Court by filing present PIL.

4. The petitioner-in-person submitted that the Central Government, by an Office Memorandum dated 24th January, 2012, had provided that the Salt Pan Lands shall not be used for any other purpose. However, in contravention of the aforesaid Office Memorandum, the Salt Pan Lands have been allotted for purposes of rehabilitation of project affected persons under Dharavi Redevelopment Project. It is further

submitted that the Salt Pan Land is a wetland and, therefore, the same cannot be allotted for the purposes of rehabilitation of project affected persons. It is also pointed out that the Salt Pan Land is situated in CRZ area and, therefore, no development activity thereon can be undertaken.

5. On the other hand, learned Additional Solicitor General, appearing for respondent nos.1 and 2, has invited the attention of this Court to verification clause of the PIL petition and has submitted that the averments made in the PIL are based on information, which petitioner believes to be correct. It is therefore, submitted that the petitioner has not conducted any inquiries/research and in casual and cavalier manner has filed this PIL. It is also submitted that project affected persons are required to be rehabilitated and the Salt Pan Land is decided to be transferred to the State Government after due consideration to the environment related issue as provided in para 3(ii) of the Office Memorandum date 23rd August, 2024. It is further submitted that no law prohibits use of Salt Pan Lands for purposes of rehabilitation of project affected persons.

6. We have considered the submissions made on both sides and have perused the record. It is well settled law that PIL

petitioner must carry out research before filing of the same and should not file the PIL in a casual and cavalier manner. Supreme Court in ***S. P. Anand, Indore vs. H. D. Deve Gowda & Ors., (1996) 6 SCC 734*** has held that litigants who can lay no claim to have expert knowledge in that field should refrain from filing petitions, which are often drafted in a casual and cavalier manner giving an extempore appearance not having had even a second look. It has further been held that a good cause can be lost if petitions are filed on half-baked information without proper research or by persons who are not qualified and competent to raise such issues in the petition.

7. In the instant case, from the verification clause of the PIL petition, it is evident that the petition is based on the information received by the petitioner. The petitioner has failed to disclose the source of information. Thus, it is evident that the averments made in the petition have been made without any proper research and in casual and cavalier manner.

8. It is pertinent to note that though by notification dated 24th January, 2012, the Central Government had decided that the Salt Pan Lands shall not be allotted for any other purpose,

by an Office Memorandum dated 23rd August, 2024, the Central Government has now changed the policy and the transfer of slat pan lands at concessional rates is now permitted for the purposes mentioned in the said Office Memorandum. Clause 2.2 (vi), which is relevant for the purposes of controversy involved is extracted below for the facility of reference : -

"2.2 Transfer of Lands at Concessional Rates:

i to v.

vi. For welfare measures, such as slum re-development, affordable housing, Economically Weaker Section (EWS) Housing, housing for projects affected persons (PAP), PM-Awas Yojana, etc., and for the purpose of school, college, hostels, playground, hospitals, dispensaries, health centres, cremation facility, etc., lands may be transferred to CPSEs, State Governments and their PSEs at 25% of the guideline value/circle rate of the concerned State on 'as is where is basis'.

So far as environment issues are concerned, para 3(ii) of the Office Memorandum provides thus:

"3. General Terms and Conditions for Transfer of Lands:

i. ...

ii. While considering requests for transfer of SCO lands, due consideration will be given to the environment related issues and related restrictions."

9. In pursuance of the aforesaid policy decision, even according to the petitioner, the land has been transferred in

favour of the State Government. The State Government has thereupon taken a decision to use the land for rehabilitation of project affected persons of various projects, including Dharavi Redevelopment Project.

10. Petitioner's contention that the salt pan lands transferred to the State Government are 'wetlands' is baseless. From perusal of paragraph 6.25 of the PIL petition, it is evident that petitioner himself has admitted that the Salt Pan Lands have been excluded from the definition of "Wetlands" provided in the Wetland (Conservation and Management) Rules, 2017. It is pertinent to note that the petitioner has not assailed the validity of the aforesaid Rules of 2017. We are not impressed by the submission that the orders passed by the Apex Court in ***M. K. Balakrishnan & Ors. Vs. Union of India & Or. (Writ Petition (Civil) No. 230 of 2001)*** can be read to mean that the excluded salt pan lands would automatically stand included in the 'wetlands'. The petitioner is unable to bring to our notice any material to demonstrate that Salt Pan Lands cannot be utilized for the purposes of the rehabilitation of project affected persons. In our opinion, the aforesaid rules subserve if the project affected persons are rehabilitated.

11. Needless to state that State Government shall give due consideration to environment related issues while implementation of the project.

12. For the aforementioned reasons, we do not find any merit in the instant PIL. The same is hereby dismissed.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)