

Pdp

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

**PUBLIC INTEREST LITIGATION NO. 54 OF 2023
WITH
INTERIM APPLICATION NO.2408 OF 2025
IN
PUBLIC INTEREST LITIGATION NO. 54 OF 2023**

Pariyavaran Saunvardhan Trust .. Petitioner

Versus

Municipal Corporation of Greater
Mumbai & Anr. .. Respondents

Mr. M. S. Adenwala for petitioner/applicant.
Ms. Uma Palsuledesai with Ms. Oorja Dhond i/by Ms. Komal R.
Punjabi for respondent no.1 – BMC.
Ms. Aparna Kalathi i/by Mr. Prakash G. Lad for respondent
no.2 – MHADA.

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

DATE: 20th JUNE, 2025

ORAL ORDER [Per Chief Justice]:

- 1.** With the consent of the learned counsel for the parties, heard finally.
- 2.** The petitioner has filed this Public Interest Litigation seeking implementation of the judgment dated 17th April, 2020 passed by the Supreme Court of India in Anjuman E Shiate Ali & Anr. v. Gulmohar Area Societies Welfare Group & Ors., Civil Appeal No. 6216-6217 of 2019 to ensure that city of Mumbai has an adequate open spaces/recreational ground.

The following prayers have been made in the PIL:

- a. *Rule be issued.*
- b. *That the Hon'ble Court be pleased to allow this Public Interest Litigation.*
- c. *This Hon'ble Court be pleased to issue Writ of Mandamus, or any other appropriate Writ or Direction or Order to the Respondents No.1 and 2 that is MCGM and MHADA and their Officers and Subordinates to evolve a special system or management to strictly adhere to Supreme Court of India in judgment in Civil Appeal No. 6216-6217 of 2019 in Anjuman E Shiate Ali v/s Gulmohar Area Societies Welfare Group & Ors., etc. and the guidelines laid down therein.*
- d. *This Hon'ble Court be pleased to issue Writ of Mandamus, or any other appropriate Writ or Direction or Order to the Respondents No.1 and 2 that is MCGM and MHADA and their Officers and Subordinates to rectify or undo and amend or delete the changes or amendment done by implementing the Bombay High Court and Supreme Court Judgment in Civil Appeal No. 6216-6217 of 2019 in Anjuman E Shiate Ali V/s Gulmohar Area Societies Welfare Group & Ors., etc. and the guidelines laid down therein, as per the first layout of the earlier period and in respect of plot C.T.S. No. 195/137 part village Andheri to plot bearing C.T.S. No.23 of village Vile Parle.*
- e. *This Hon'ble Court be pleased to issue Writ of Mandamus, or any other appropriate Writ or Direction or Order to the Respondents No.1 and 2 that is MCGM and MHADA and their Officers and Subordinates to rectify or undo and amend or delete the changes or amendment done by implementing the Bombay High Court and Supreme Court judgment in Civil Appeal No. 6216-6217 of 2019 in Anjuman E Shiate Ali V/s Gulmohar Area Societies Welfare Group & Ors., etc. and the guidelines laid down therein, as per the first layout of the earlier period and in respect of PLOT-A RELOCATED D.P. RESERVATION GARDEN PLOT ON PLOT -A & PLOT-B AT S.NO.29(P) C.T.S. NO.50A (pt.) & 2 (pt) AT PAHADI GOREGAON (W), IN P/S WARD MUMBAI.*

f. This Hon'ble Court be pleased to issue Writ of Mandamus, or any other appropriate Writ or Direction or Order to the Respondents No.1 and 2 that is MCGM and MHADA and their Officers and Subordinates to rectify or undo and amend or delete the changes or amendment done by implementing the Bombay High Court and Supreme Court judgment in Civil Appeal No. 6216-6217 of 2019 in Anjuman E Shiate Ali V/s Gulmohar Area Societies Welfare Group & Ors., etc. and the guidelines laid down therein, as per the first layout of the earlier period and in respect of near Siddhant Nagar Co. Hsg. Soc., CTS no.1103(pt), Village Versova, at Aram Nagar MHADA Colony Andheri (W) Mumbai in 'K' Ward.

3. Thus, from the perusal of the prayers made in the PIL, it is evident that the petitioner seeks enforcement of the judgment in Civil Appeal No. 6216-6217 of 2019. In case the directions contained in the said judgment passed by the Supreme Court are being violated, the petitioner is at liberty to take recourse to such remedy as may be available to him in law.

4. The issue involve in this PIL with regard to shifting of recreational ground is kept open to be agitated at the instance of an aggrieved person.

5. With the aforesaid liberty to the petitioner, without expressing any opinion on merits of the matter, the PIL is disposed of.

6. Interim Application also stands disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)