

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.312 OF 2026**

Rajhans Estates

....Petitioner

V/S

Union of India & Ors.

....Respondents

Mr.Saket Mone a/w Ms.Anchita Nair and Ms.Fatema Kothari i/b
Vidhii Partners for the Petitioner.

Ms.Savita Ganoo a/w Mr.Pavan Patil and Mr.Shubham Saraf for
Respondent No.1.

Ms.Anuja Tirmali i/b Ms.Komal Punjabi for MCGM.

Ms.Jaya Bagwe for Respondent No.5-MCZMA.

Mr.Vikrant Parshurami, AGP for the State.

Mr.Siddesh Kawale, SE BP WS II, present.

**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ**

DATE : 24th FEBRUARY 2026

P.C. :

1 The Petition filed by the Developer who is desirous of developing Plot No.170 bearing CTS No.1042 of Village Pahadi, Goregaon, Muumbai, is aggrieved by Condition No.2 imposed by Respondent No.5,MCZMA in its CRZ clearance dated 06/07/2019, stating that the Petitioner cannot carry out construction in 50 metre mangrove buffer zone area, despite the

property being situated beyond the existing DP road on the landward side and storm water drain and according to the Petitioner it deserve to be categorized as CRZ II area.

Though the Petitioner has raised a challenge to the rejection letter/communication dated 11/09/2025 passed by the BMC, we must note that it is not the BMC, but MCZMA which is competent to grant CRZ II clearance.

2 Mr. Mone, learned counsel for the Petitioner submit that the clearance was granted on 06/07/2019 by relying upon the 2011 Notification issued by the Ministry of Environment and Forest, but no steps were taken by the Petitioner to commence the project. This has, therefore, necessitated seeking a fresh clearance from MCZMA, as the construction activity did not commence within the period of 5 years.

The Petitioner, therefore, seek withdrawal of the Petition, as he has instructions that the Petitioner shall take out an application seeking clearance from the MCZMA.

We must note that the 2011 notification is now superseded by 2019 Notification, hence the Application shall deserve consideration under the new and prevailing Notification.

3 The learned counsel representing MCZMA make a statement that if such an application is made, that shall be considered in accordance with 2019 notification and the clauses contained therein.

We must clarify that as far as the impugned rejection letter by BMC is concerned, considering the proposal of the Petitioner it

has notified certain shortfalls/discrepancies, by certifying that the plot under reference fall within CRZ II and it is affected by 50 metre mangrove buffer zone as per the online CRZ remark issued by the Planning Department as a ground for refusal, will not be of any significance as a fresh application is to be made by the Petitioner and it is for the MCZMA to consider the restrictions under the prevailing Notifications issued by the Ministry of Environment and Forest.

The said impugned communication from BMC shall, therefore, not be acted upon as we have directed fresh consideration of the Application by the Competent Authority for granting CRZ clearance i.e. the MCZMA.

In the wake of above, Writ Petition is disposed of.

[MANJUSHA DESHPANDE, J.]

[BHARATI DANGRE, J.]