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

WRIT PETITION NO. 3181 OF 2025

Wood Court CHS (Proposed)

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Salik Khan for Petitioner.

Ms. Manisha Jagtap for Respondent-MHADA.

Ms. Anupama Pawar, AGP for Respondent-State.

CORAM: G. S. KULKARNI &  
AARTI SATHE, JJ.

DATE: 2<sup>nd</sup> FEBRUARY 2026

P.C.

1. This Petition under Article 226 of the Constitution of India is filed  
praying for the following substantive reliefs:-

“a) Issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the Respondent No.2 to process Application No.28832 in its entirety in respect of Code No. 125-A, Plot No. 4, Sector 8, Survey No. 41(pt), RSC-25, MHADA Layout, Charkop, Kandivali (West), Mumbai-400067, within a period of four weeks from the date of the order or within such period as this Hon'ble Court may deem fit and proper;

(b) Issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction directing the Respondent No.2 to issue the No Objection Certificate (NOC), in accordance with law, for registration of the Petitioners Society, namely Wood Court Co-operative Housing Society (Proposed), in respect of the said plot, within a period of four weeks from the date of the order or within such period as this Hon'ble Court may deem fit and proper;

(c) Issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction directing Respondent No.1 State of Maharashtra, through its Urban Development

Department to forthwith take all necessary steps, issue appropriate directions to Respondent No.2-MHADA, and extend full cooperation for implementing the binding Judgment dated 29/07/2015 passed by this Hon'ble Court and the Final Order dated 25/02/2025 passed by the Hon'ble Supreme Court in SLP (C) No. 11035 of 2019, and to ensure that Application No. 28832 submitted by the Petitioners is processed in entirety and finalized in accordance with law, including for issuance of No Objection Certificate (NOC), execution of lease deed, and handing over of physical possession of Plot No. 4, Sector 8, Survey No. 41 (pt), RSC-25, MHADA Layout, Charkop, Kandivali (West), Mumbai 400067, within a reasonable and time-bound manner as may be directed by this Hon'ble Court;

2. The Petitioner is essentially seeking a No Objection Certificate from MHADA for the registration of a Co-operative Society. However, MHADA, by the impugned communication and the subsequent communication dated 16th February 2024, a copy of which is placed on record, has taken a stand that, in view of the decision of this Court in *Bombay Environmental Action Group & Anr. v. State of Maharashtra & Ors.* dated 17<sup>th</sup> September 2018, rendered in Public Interest Litigation No. 87 of 2006, such No Objection Certificate cannot be granted for construction activity within a buffer zone of 50 meters from the mangrove area.

3. The learned Counsel for the Petitioner, however, has drawn our attention to the order passed by the Supreme Court in Civil Appeal No. 3225 of 2025 dated 25<sup>th</sup> February 2025, wherein the Supreme Court has issued clarifications with regard to the embargo imposed pursuant to the aforesaid judgment of this Court rendered in PIL No. 87 of 2006 (supra). The order dated 25<sup>th</sup> February 2025 passed by the Supreme Court reads thus:-

“Leave granted.

2. These appeals partly impugn the judgment dated 17.09.2018, passed in Public Interest Litigation No. 87 of 2006, titled “Bombay Environmental Action Group and another v. The State of Maharashtra and others” and connected matters. The appellants are (i) Malvani Prabodhan Sahakari Grihanirman Sanstha Maryadit1; (ii) Malvani Anand Deep Sahakari Grihanirman Sanstha Maryadit2; (iii) Malvani Matoshri Sahakari Grihanirman Sanstha Maryadit3; (iv) Malvani Sagar Sahakari Grihanirman Sabha Maryadit4; (v) Malvani Tiranga Sahakari Grihanirman Sanstha (Niyojit)5; (vi) Malvani Sahara Sahakari Grihanirman Sanstha (Niyojit)6; (vii) Malvani Laxminarayan Sahakari Grihanirman Sanstha (Maryadit)7; (viii) Dinshow Trapinex Builders Pvt. Ltd.8; and (ix) Blue Star Realtors Pvt. Ltd.9

3. The appellants had earlier preferred before the High Court of Bombay either writ petitions, i.e., Writ Petition Nos. 176/2015, 180/2015, 187/2015, 188/2015, 190/2015, 249/2015, 251/2015, or Chamber Summons Nos. 169/2015 & 172/2007, which were disposed of, vide judgment dated 29.07.2015.

4. Dealing with the issues raised, the said judgment, inter alia, held that mangroves were a lifeline and no breach of the directions of the Maharashtra Coastal Zone Management Authority<sup>10</sup> could be tolerated. The layouts, forming part of the petitions and other proceedings, were to be taken into consideration before any directions were issued for regularization. In case any plot owner or developer violated the conditions, the plot in question had to be restored to the original state after demolition of the existing structures, at the risk and cost of the developer and the society. Accordingly, Notice of Motion No. 234/2015 taken out by Maharashtra Housing and Area Development Board was allowed and it was permitted to exclude the plots in the layouts for which environmental clearance was granted by the Ministry of Environment and Forests on 10.02.2003 and 10.11.2005 from the operation of the 50 meters buffer zone requirement, but subject to the observations therein.

5. As there was no further restriction in the Coastal Regulation Zone<sup>11</sup> Notification dated 19.02.1991, the High Court of Bombay introduced additional safeguards for protection of mangroves, by barring construction activity in the prohibited buffer zone, by interim order dated 06.10.2005. The additional safeguards in the form of directions given in the interim order dated 06.10.2005, were later on incorporated in the Notification dated 06.01.2011. However, the interim order dated 06.10.2005, and the Notification dated 06.01.2011, exempted a plot of land even if it fell in the 50 meters buffer zone if it was already a part of an approved layout plan with infrastructural facilities within a municipal area or in an existing legally designated urban area as on 06.01.2011. We need not pronounce on

the said cutoff date for the purpose of the present order and judgment as an issue may arise whether the relevant cutoff date should have been the date of the interim order, which is 06.10.2005.

6. In order to carry out the said exercise, i.e., to identify the plots outside the aforesaid approved Ministry of Environment and Forests layouts, the parties concerned were required to move the competent regulatory authority, i.e., the MCZMA or Ministry of Environment and Forests, and not the High Court of Bombay. It was also recorded that when any CRZ clearance was sought, the MCZMA had to satisfy itself that the plot in question was beyond the existing concrete/tar roads towards the landward side and was a part of a developed area; a concept which was explained in the judgment.

7. Our attention is also drawn to the Notification dated 19.01.2000, issued by the Ministry of Environment and Forests, Government of India, on the Coastal Zone Management Plan of Maharashtra and categorization based on High Tide Level and Low Tide Level. Paragraphs 6 and 7 of the said Notification, dealing with the buffer zone around mangroves, read as under:

*“(6) Buffer around mangroves: The 50 meter buffer zone around mangroves of area 1000 sq. meters and above, will not be required on the landward side provided the road abutting such mangroves was constructed prior to February, 1991. (7) Development of MHADA layout: Status quo shall be maintained in respect of MHADA Layout at Charkop.”*

8. As noticed above, the aforesaid Notification was issued prior to the interim order passed by the High Court of Bombay on 06.10.2005.

9. The order dated 29.07.2015 was challenged before this Court in a special leave petition, and the same was dismissed.

10. The impugned judgment dated 17.09.2018, in paragraph ‘74’ refers to the Chamber Summons, which became the subject matter of the judgment dated 29.07.2015. Thereupon, it states that, while passing the judgment dated 29.07.2015, the attention of the Court was not drawn to condition no. xiii imposed in the letter/order dated 27.09.1996, of the Central Government, by which, the Coastal Zone Management Plan for the State of Maharashtra was sanctioned. It was the condition of the said plan that where mangroves with an area of 1000 sq. meters or more existed, the buffer zone of 50 meters would form part of CRZ I. However, it is an admitted fact that the requirement laid down in the Coastal Zone Management Plan of a 50 meter buffer zone around mangroves of an area of 1000 sq. meters and above, was modified by the Notification dated 19.01.2000, upon satisfaction of the condition stated therein that the buffer zone will not be required on the landward side provided the road abutting such mangroves was constructed prior to February, 1991.

11. In other words, where the road on the landward side abutting the mangroves was constructed prior to February, 1991, the buffer zone of 50 meters was not required. The impugned judgment dated 17.09.2018, disposed of the PIL with several directions, including stoppage of all constructions taking place within 50 meters on all sides of mangroves, regardless of the ownership of the land having such mangroves and the area of the land.

12. In view of the aforesaid position, we may only clarify that the impugned judgment dated 17.09.2018, shall not be read as having modified or altered the conditions which were imposed, vide judgment dated 29.07.2015, in the writ petitions/chamber summons filed by the appellants, provided all the applicable rules and regulations, including the conditions mentioned in the applicable law and in terms of the judgment dated 29.07.2015, are duly met.

13. We further clarify that the observations and findings recorded in above paragraph only pertain to the nine plots, which were the subject matter of the judgment dated 29.07.2015. The said judgment specifically records the details of the nine plots in question and also notes that the said plots were allotted during the period 1987 to 1994 and the infrastructure in the form of laying of roads, etc., had been completed long ago. In other words, as the development has already been completed, it would be impossible to create a buffer zone of 50 meters because of the construction and other development activities which happened long before the interim order dated 06.10.2005. It goes without saying that in case it is possible to create a buffer zone of 50 meters, that aspect must be kept in mind by the authorities concerned while granting approvals.

14. Recording the aforesaid, the appeals are disposed of.

15. Pending application(s), if any, shall stand disposed of.”

4. The learned Counsel for MHADA has fairly submitted that the stand taken by MHADA was prior to the order dated 25<sup>th</sup> February 2025 passed by the Supreme Court. He submits that the decision can therefore be reconsidered in light of the said directions, having regard to the position of the Petitioner’s plot of land, and that the directions of the Supreme Court and an appropriate order in accordance with law can be passed in the facts and circumstances of the case.

5. In view of the fair stand taken by MHADA, we are of the opinion that further adjudication of the present Petition is not called for. Accordingly, the Petition is disposed of by directing MHADA to consider the Petitioner's application in light of the order dated 25<sup>th</sup> February 2025 passed by the Supreme Court, as well as the judgment of this Court in *Bombay Environmental Action Group & Anr. v. State of Maharashtra & Ors.*, rendered in PIL No. 87 of 2006 (supra). All contentions of the parties in that regard are expressly kept open. A decision shall be taken within a period of four weeks from today by the competent officer of MHADA, after granting an opportunity of hearing to the Petitioner.

6. We also permit the Petitioner to submit a fresh application within a period of ten days from today, which shall be decided in accordance with the directions issued hereinabove.

7. The Petition stands disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)