

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 818 OF 2026

Akash Complex Building No.9 Co- .. Petitioner
operative Housing Society Ltd.

Versus

Union of India & Ors. .. Respondents

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

Ms. Jaya Bagwe for Respondent No.5 (MCZMA).

Ms. Manisha Gawade, AGP for the State.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.

DATED : 17th MARCH, 2026

P.C:-

1. At the outset, the learned counsel for the Petitioner seeks liberty to amend the prayer clause and also to correct the name of the Petitioner, which is incorrectly described. Leave granted. The amendment is permitted to be carried out. Re-verification is dispensed with.
2. The Petitioner raises a challenge to the decision dated 17/11/2025 of the Municipal Corporation, dealing with his proposal for redevelopment and refusing the same on the ground that the requisite permission from MCZMA shall be sought.
3. The learned counsel, Mr. Saket Mane, would place reliance upon the decision delivered by this Bench in the case of *Eversmile*

Properties Pvt. Ltd. and Anr v. The Union of India on 11/02/2026, holding that the notification of the MCZMA, which is prevailing i.e. of the year 2019, has relaxed the curbs of maintaining a 50 mtrs buffer zone area on private land; and according to him, his case severely falls within the aforesaid pronouncement from this Court.

4. In order to afford an opportunity to the Respondents to respond to the said plea, and since the impugned order is passed by the MCGM, we deem it appropriate to issue notice restricting it to Respondent Nos.3, 4 and 5. Since an appearance is marked on behalf of the MCZMA by the learned counsel, Ms. Jaya Bagwe, notice is waived by her.

Let the MCGM be served by private mode of service, including the service through electronic media. The notice shall indicate the returnable date as 01/04/2026.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)