

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

Ashish Complex Building No.9 Co- .. Petitioner
Operative Housing Society Ltd

Versus

Union of India Through The Ministry of .. Respondents
Environment Forest and Climate Change
& Ors

...

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

Ms. Jyoti Mhatre a/w Ms. Anuja Tirmali i/b Ms. Komal Punjabi for Respondent Nos.3 and 4- BMC.

Con.Officer- Mr. Dhaval Jadhav, SE BP RN Ward present in Court.

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

Ms. Manisha Gawde, AGP for the State.

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

DATED : 1st APRIL, 2026

P.C:-

1. On perusal of the Writ Petition, we find that, at this stage, the only relief that can be granted to the Petitioner is that, as and when the Petitioner makes an application to the MCZMA, the same shall be considered in accordance with the prevailing CRZ Notification. This relief is sought in the background that when the Petitioner applied to the MCGM, seeking approval to its proposed layout of Village Dahisar in the form of a building proposal, it commented thus:

“Considering the fact that Layout is partly affected by CRZ I A & CRZ II, the cognizance of the same shall be taken before determining the FSI as per DCPR 2034.”

2. Upon reading the aforesaid, and even according to the counsel for the Corporation, they have not rejected the proposal, but they are awaiting the necessary documents.

However, since the Petitioner gets a clue that the Corporation has expressed that the layout is affected by CRZ, he has to approach the MCZMA for requisite permissions and by way of abundant precaution, the Petitioner has approached this Court.

3. We can only assist the Petitioner by directing that the MCZMA shall decide the application, if any preferred, by applying the Guidelines which prevail as on the date, when such application is made, as regards CRZ.

Writ Petition is disposed of.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)