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*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

PUBLIC INTEREST LITIGATION NO. 61 OF 2014

Mr.Dattatray Haribhau Daund. .. Petitioner
Vs
State of Maharashtra & others. .. Respondents

***Along with
CIVIL APPLICATION NO. 40 OF 2017***

Sanjay Bhaurao More .. Applicant /
Intervenor

In the matter between
Mr.Dattatray Haribhau Daund. .. Petitioner
Vs
State of Maharashtra & others. .. Respondents

***Along with
CIVIL APPLICATION NO. 41 OF 2017***

***Along with
CIVIL APPLICATION NO. 55 OF 2017***

(For vacating stay)

The State of Maharashtra .. Applicant /
In the matter between
Mr.Dattatray Haribhau Daund. .. Petitioner
Vs
State of Maharashtra & others. .. Respondents

Mr.R.N.Hardas a/w Mr.Abhijit Patil, for the Petitioner.
Mr.A.B.Vagyani – Govt. Pleader a/w Mrs.M.P.Thakur – AGP, for
Respondent-State.
Mr.R.S.Apte – Senior Advocate a/w Mr.N.R.Bubna, for Respondent
Nos.3 and 6.

Mr.Vinod Mahadik, for Respondent-Bombay Municipal Corporation.

Mr.Vijay Patil, for Respondent No.8.

CORAM : DR.MANJULA CHELLUR, CJ. & N.M.JAMDAR, J.

DATE : JUNE 9, 2017.

P.C.:

Environment Impact Assessment Report is placed on record in respect of Municipal Corporation of Greater Mumbai, Thane district and Navi Mumbai Municipal Corporation. In the petition the main grievance of the petitioner was that without obtaining Environment Impact Assessment a decision to increase the FSI in the above three zones was taken. Since there was a direction by this Court not to notify the enhanced FSI in the three above zones for want of Environment Impact Assessment report, since it is obtained ,we are of the opinion nothing comes in the way of taking further course of action. However, if such further course of action according to the petitioner is not legal or in accordance with the procedure contemplated they are at liberty to challenge since it would become a fresh cause of action. We make it clear that we have not opined on the legality and correctness of the Report and if the notification so issued is challenged, all contentions are kept open. Accordingly, petition is disposed of. Order of stay which is subsisting is vacated.

2. In view of the above order, accordingly all Civil Applications stand disposed of.

(N.M.JAMDAR, J.)

CHIEF JUSTICE

