

ITEM NO.10

COURT NO.1

SECTION IX

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s).17471-17476/2019

(Arising out of impugned final judgment and order dated 16-07-2019 in WPL No. 560/2019 16-07-2019 in PILL No. 39/2019 16-07-2019 in PILL No. 44/2019 16-07-2019 in PILL No. 40/2019 16-07-2019 in PILL No. 36/2019 16-07-2019 in PILL No. 25/2019 passed by the High Court Of Judicature At Bombay)

MUNICIPAL CORPORATION OF GREATER MUMBAI

Petitioner(s)

VERSUS

WORLI KOLIWADA NAKHWA MATSYA VYAVASAY  
SAKHARI SOCIETY LTD. & ORS.

Respondent(s)

([ONLY I.A NO. 242151/2024 IS LISTED UNDER THIS ITEM]  
(IA No. 242151/2024 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 07-11-2024 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Tushar Mehta, Solicitor General  
Mr. Maninder Singh, Sr. Adv.  
Mr. Ashish Wad, Adv.  
Mr. Manoj Wad, Adv.  
Mrs. Tamali Wad, Adv.  
Ms. Swati Arya, Adv.  
Ms. Akriti Arya, Adv.  
M/S. J S Wad And Co, AOR

For Respondent(s) Mr. Shyam Divan, Sr. Adv.  
Mr. Chander Uday Singh, Sr. Adv.  
Ms. Madhusmita Bora, AOR  
Mr. Pheroze Mehta, Adv.  
Ms. Sugandha Yadav, Adv.  
Ms. Rishika Harish, Adv.

Mr. Satya Mitra, AOR

Mr. Aaditya Aniruddha Pande, AOR

Mr. Siddharth Dharmadhikari, Adv.  
Mr. Sourav Singh, Adv.

Mr. Tushar Mehta, Solicitor General  
Ms. Aishwarya Bhati, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Mr. S.s. Rebello, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. Bhuvan Mishra, Adv.  
Ms. Archana Pathak Dave, Adv.

Mr. Mukesh Verma, Adv.  
Mr. Pankaj Kumar Singh, Adv.  
Mrs. Vatsala Tripathi, Adv.  
Mr. Pawan Kumar Shukla, Adv.  
Mr. Yash Pal Dhingra, AOR

Mr. Chirag M. Shroff, AOR

Ms. Pinky Behera, AOR

Ms. Ranjeeta Rohatgi, AOR  
Ms. Shrika Gautam, Adv.

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 The Municipal Corporation of Greater Mumbai has moved an interlocutory application seeking the permission of the Court to carry out median landscaping work on the coastal road spreading over a stretch of 4.35 kilometers.
- 2 We have heard Mr Tushar Mehta, Solicitor General appearing with Mr Maninder Singh, senior advocate and Mr Ashish Wad, counsel in support of the application and Mr C U Singh, senior counsel appearing on behalf of the original petitioner before the High Court.
- 3 The Solicitor General has submitted that the agency which is proposed to be engaged by the Corporation is willing to carry out the work of beautification free of charge and without any revenue implications for the Corporation. However, it

has been submitted that the Corporation may consider allowing the agency to put a logo of small dimensions which is not in the nature of hoardings, in and around the coastal road.

- 4 Mr C U Singh, senior counsel appearing on behalf of original petitioner before the High Court, on the other hand, submits that by the interim order of this Court dated 13 September 2022 a specific embargo was imposed on the Municipal Corporation on carrying out any commercial use of the reclaimed area. Moreover, it has been submitted that landscaping and beautification is one of the mandatory duties of the Municipal Corporation under Section 61 of the Mumbai Municipal Corporation Act 1988.
- 5 The restraint which was imposed in the order of this Court dated 13 September 2022, must be construed in a reasonable manner. The State having reclaimed land from the sea for the purpose of constructing the coastal road, the interim order was passed in order to ensure that the reclaimed land is not put to commercial use or purposes.
- 6 In our view, bearing mind that the public interest litigation principally dealt with an environmental issue, there can be no objection to the Municipal Corporation being permitted to carry out landscaping of the median of the coastal road over a length of 4.35 kilometers approximately as stated during the course of the submissions.
- 6 We accordingly permit the Municipal Corporation to do so by doing the work of the landscaping of the median either through its own staff or by appointing a suitable agency. However, we are not making any observation in regard to the

proposed arrangement in the absence of any specific details before this Court.

7 The Interlocutory Application is accordingly disposed of.

8 Pending applications, if any, stand disposed of.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**