

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3225 OF 2025

[@ SPECIAL LEAVE PETITION (CIVIL) NO. 11035 OF 2019]

M/S BLUE STAR REALTORS PVT. LTD. APPELLANT(S)

VERSUS

THE BOMBAY ENVIRONMENTAL ACTION GROUP RESPONDENT(S)
AND OTHERS

WITH

CIVIL APPEAL NO. 3226 OF 2025

[@ SPECIAL LEAVE PETITION (CIVIL) NO. 11893 OF 2019]

CIVIL APPEAL NO. 3227 OF 2025

[@ SPECIAL LEAVE PETITION (CIVIL) NO. 15704 OF 2019]

CIVIL APPEAL NO. 3228 OF 2025

[@ SPECIAL LEAVE PETITION (CIVIL) NO. 15705 OF 2019]

CIVIL APPEAL NO. 3229 OF 2025

[@ SPECIAL LEAVE PETITION (CIVIL) NO. 15706 OF 2019]

CIVIL APPEAL NO. 3230 OF 2025

[@ SPECIAL LEAVE PETITION (CIVIL) NO. 15707 OF 2019]

CIVIL APPEAL NO. 3231 OF 2025

[@ SPECIAL LEAVE PETITION (CIVIL) NO. 15710 OF 2019]

CIVIL APPEAL NO. 3232 OF 2025

[@ SPECIAL LEAVE PETITION (CIVIL) NO. 15711 OF 2019]

CIVIL APPEAL NO. 3233 OF 2025

[@ SPECIAL LEAVE PETITION (CIVIL) NO. 15703 OF 2019]

O R D E R

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

- 1 Petitioner in W.P. No. 176/2015
- 2 Petitioner in W.P. No. 180/2015
- 3 Petitioner in W.P. No. 187/2015
- 4 Petitioner in W.P. No. 188/2015
- 5 Petitioner in W.P. No. 190/2015
- 6 Petitioner in W.P. No. 249/2015
- 7 Petitioner in W.P. No. 251/2015
- 8 CHSW No. 169/2015
- 9 CHSW No. 172/2007

the directions of the Maharashtra Coastal Zone Management Authority¹⁰ 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 Zone¹¹ 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

10 For short, "MCZMA."

11 For short, "CRZ."

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.

.....CJI.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI
FEBRUARY 25, 2025

PS

ITEM NO.12

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 FOR SPECIAL LEAVE TO APPEAL (C) NO. 11035/2019

[Arising out of impugned final judgment and order dated 17-09-2018 in PIL No. 87/2006 passed by the High Court of Judicature at Bombay]

M/S BLUE STAR REALTORS PVT. LTD.

PETITIONER

VERSUS

THE BOMBAY ENVIRONMENTAL ACTION GROUP & ORS.

RESPONDENTS

(IA No. 66439/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 11893/2019 (IX)

(IA No. 66443/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 11509/2019 (IX)

(IA No. 53516/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 66674/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 15704/2019 (IX)

(IA No. 75217/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 15705/2019 (IX)

(IA No. 74734/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 15706/2019 (IX)

(IA No. 74675/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 15707/2019 (IX)

(IA No. 73675/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 15710/2019 (IX)

(IA No. 74719/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT)

SLP(C) No. 15711/2019 (IX)

(IA No. 74768/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 15703/2019 (IX)

(IA No. 74823/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

DIARY NO. 13791/2020 (IX)

(FOR ADMISSION and I.R. and IA No.97479/2020-CONDONATION OF DELAY IN FILING and IA No.97480/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.97481/2020-EXEMPTION FROM FILING AFFIDAVIT)

DIARY NO. 15246/2021 (IX)

(IA No.87405/2021-CONDONATION OF DELAY IN FILING and IA No.87406/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.87408/2021-EXEMPTION FROM FILING O.T. and IA No.87403/2021-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 25-02-2025 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) :

Mr. Gaurav Agrawal, Sr. Adv. (Not present)
Mr. Abhay Anil Anturkar, Adv.
Mr. Salik Khan, Adv.
Mr. Dhruv Tank, Adv.
Mr. Aniruddha Awalgaonkar, Adv.
Mr. Bhagwant Deshpande, Adv.
Ms. Subhi Pastor, Adv.
M/S. Dr. R.R. Deshpande And Associates, AOR

Mr. Aaditya Aniruddha Pande, AOR

Mr. Chirag M. Shroff, AOR
Mrs. Mahima C Shroff, Adv.
Mr. Anand Thumbayil, Adv.

Mr. C.U. Singh, Sr. Adv.
Mr. Anirudha Joshi, Sr. Adv.
Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Anoop Raj, Adv.

Mr. Vinay Navare, Sr. Adv.
Mr. Samir Arunkumar Vaidya, Adv.
Mr. Anand Dilip Landge, AOR
Mrs. Sangeeta Nenwani, Adv.
Ms. Revati P. Kharde, Adv.
Mr. Sumit Kumar, Adv.
Mr. Rahul Prakash Pathak, Adv.

For Respondent(s) :

Mr. Rohan Thawani, Adv.
Ms. Sheetal Shah, Adv.
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Mr. Sachin Patil, AOR

Ms. Aishwarya Bhati, A.S.G.
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Ms. Chitrangda Rashtrawara, Adv.
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Mr. Madhav Sinhal, Adv.
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Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mrs. Vatsala Tripathi, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Krishna Prakash Dubey, Adv.
Mr. Yash Pal Dhingra, AOR

Mr. Ashish Wad, Adv.
Mr. Manoj Wad, Adv.
Ms. Swati Arya, Adv.
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M/S. J S Wad And Co, AOR

Mr. Sachin Patil, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Geo Joseph, Adv.
Mr. Durgesh Gupta, Adv.
Mr. Risvi Muhammed, Adv.

UPON hearing the counsel, the Court made the following

O R D E R

SLP(Civil) Nos. 11035/2019, 11893/2019, 15704/2019, 15705/2019, 15706/2019, 15707/2019, 15710/2019, 15711/2019, & 15703/2019:

Leave granted.

These appeals are disposed of in terms of the signed order, which is placed on file.

SLP(Civil) Diary No. 13791/2020:

There is a huge delay of 569 days in the filing of the present petition. We are not satisfied with the reasons given for explaining the delay.

Even otherwise, on merits also, we are not inclined to interfere with the impugned judgment and, hence, the special leave petition is dismissed on the ground of delay as well as on merits. Recording the aforesaid, the application seeking condonation of delay is rejected.

However, we may clarify that the issue of setting up of jetties has not been examined by us as it is the subject matter of another special leave petition [SLP(Civil) Diary No. 29692/2022].

SLP(Civil) Diary No. 15246/2021:

Permission to file the special leave petition is

granted.

There is a huge delay of 935 days in the filing of this petition. We are not satisfied with the reasons given for explaining the delay.

Even otherwise, on merits also, we are not inclined to interfere with the impugned judgment and, hence, the special leave petition is dismissed on the ground of delay as well as on merits.

SLP(Civil) No. 11509/2019:

We are not inclined to interfere with the impugned judgment and, hence, the special leave petition is dismissed.

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

However, we clarify that the dismissal of this special leave petition will have no bearing on the order passed in the Civil Appeal @ SLP(Civil) No. 11035/2019 and other connected appeals.

(POOJA SHARMA)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR