

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION (L) NO. 3516 OF 2022

Amrita Bhattacharjee and Ors. } Petitioners
versus
Municipal Corporation of Greater } Respondents
Mumbai and Ors. }

Mr. Mihir Desai, Senior Advocate with Ms. Lara Jesani for the petitioners.

Mr. Darius Khambatta, Senior Advocate with Mr. Joel Carlos, Mr. Karan Rukhana and Ms. Kejali H. Mastakar for respondent no. 1 (MCGM).

Mr. Milind More, Additional Government Pleader for respondents 3, 4, 6, 7, 9, 10 and 11 (State).

Mr. Vikrant Dere i/b. Mr. Sachindra B. Shetye for respondent no. 8.

Mr. Rui Rodrigues with Mr. N. R. Prajapati for respondent no. 12.

**CORAM: DIPANKAR DATTA, C. J. &
MADHAV J. JAMDAR, J.**

DATE: OCTOBER 17, 2022

P.C.:

1. The concern expressed in this PIL petition by the petitioner is with regard to construction of a cycle track by Municipal Corporation of Greater Mumbai (MCGM) allegedly within the Eco Sensitive Zone of Sanjay Gandhi National Park on a stretch covering 5.5 kms.

2. We have been taken through various maps as well as notifications by Mr. Desai, learned senior advocate for the petitioners in support of the petitioner's plea.

3. Although Mr. Khambatta, learned senior advocate for MCGM has not been called upon to address us on the merits of the concern expressed in the PIL petition, we record his categorical stand expressed in course of responding to our queries that the cycle track is beyond the Eco Sensitive Zone of Sanjay Gandhi National Park and since it has been constructed by the side of a Municipal Road which is already existing within the Buffer Zone of the Park, such construction cannot be held to be illegal.
4. Be that as it may, we require clarification on certain points including the present status of the cycle track since we have been informed by Mr. Khambatta that the construction is complete.
5. The petitioner as well as a municipal representative shall be at liberty to visit the office of Ms. Revati Kulkarni, Deputy Director (South), Sanjay Gandhi National Park, Borivali at 12.00 noon tomorrow. All three of them shall visit the disputed site and take photographs of the allegedly complete disputed cycle track. Such photographs shall be placed before us on 20th October 2022, when we propose to hear this PIL petition once again.
6. On the adjourned date, a clarification shall be provided by MCGM with regard to identification of a particular piece of land as CTS No. 15 together with the averments that it has made in paragraphs 15 to 19 thereof. This is required because the notification specifying the lands covered by Sanjay Gandhi National Park makes no reference to CTS No.15. Also, it has to be made clear by MCGM with reference to the map (page 724 of its reply affidavit) what the green border

towards the foot thereof signifies and how the figures 13, 15 and 16 have been shown as being comprised of parts of the Vihar Lake as well as adjoining areas in such map. Let such clarification be also provided by the next date.

7. Stand over to **20th October 2022.**

SALUNKE
J V

Digitally signed
by SALUNKE J V
Date: 2022.10.17
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(MADHAV J. JAMDAR, J.)

(CHIEF JUSTICE)