

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

PIL-CJ-LD-VC- 9 OF 2020

Piya Mahantaney and others.	..Petitioners.
<u>Versus</u>	
State of Maharashtra & Another.	..Respondents.

WITH
PIL-CJ-LD-VC-IA-1 of 2020
IN
PIL-CJ-LD-VC-9-2020

Larsen and Toubro Limited.	..Applicant.
<u>In the matter of</u>	
Piya Mahantaney and others.	..Petitioners.
<u>Versus</u>	
State of Maharashtra & Another.	..Respondents.

Mr. Janak Dwarkadas, Senior Advocate a/w Rishika Harish i/b Meenaz Kakalia for the Petitioners.

Mr. Mukul Rohatgi, Senior Counsel, Mr. S. U. Kamdar, Senior Counsel, Mr Mahesh Agarwal, Mr Raj Panchmatia, Mr Peshwan Jehangir, Ms Jyoti Sinha, Mr Jaideep Singh Khattar, Mr Ankur Saigal, Mr Haabil Vahanvaty and Ms Anumeha Karnatak i/b Khaitan & Co, Advocates for the Applicant - Larsen & Toubro Limited.

Mr. D.J Khambata Senior Advocate a/w Mr. A.Y Sakhre, Senior Advocate, Mr Aditya Mehta, Mr Rohan Mirpury, Tushar Hathiramani I/b Mrs Aruna Savla and Advocate Madhuri More for the respondent-MCGM

Mr..A. A. Kumbhkoni, Advocate General, P. H .Kantharia Government Pleader with Geeta Shastri, Additional Government Pleader for the respondent-state.

Mr.Anil C. Singh,ASG a/w Mr.Aditya Thakkarl and D.P.Singh for

Respondent-Union of India.

Coram : DIPANKAR DATTA, CJ. &
S. S. SHINDE, J.
Date : **June 9, 2020.**

P. C. :

1. This PIL petition is at the instance of 20 residents of Mumbai, who are members of a group called "Save Our Coast". Paragraph 3 of the PIL Petition reflects the reason that has triggered this PIL Petition. The petitioners have sought to question continuation of the work of a "coastal road project" undertaken by the respondent no.3 and presently under execution by the Applicant in Interim Application No.1 of 2020, despite the lockdown.
2. Having perused the pleadings, it transpires that earlier a PIL Petition was instituted before this Court challenging the clearances granted by the relevant authorities to the respondent no.3 to proceed with execution of the said project. After protracted hearing, a Division Bench of this Court allowed the PIL Petition and quashed the impugned clearances. The decision of the Division Bench has been carried in appeal before the Hon'ble Supreme Court. By an order dated 17th December 2019, the impugned judgment

was stayed and the petitioners before the Hon'ble Supreme Court were granted liberty to *"reclaim the land, build the road thereon and secure the road"*. We also find that applications are pending before the Hon'ble Supreme Court not only praying for vacation of the order of stay but also for early hearing of the Special Leave Petitions filed by the respondent no.3 as well as the Applicant in Interim Application No. 1 of 2020.

3. At the outset, we had enquired of Mr. Janak Dwarkadas, learned senior counsel for the petitioners as to whether they would be willing to raise all the issues urged in this PIL Petition before the Hon'ble Supreme Court, which is seized of the matter, or would like to put in security as a condition precedent [which we proposed to impose in terms of Rule-7A of the Bombay High Court Public Interest Litigation Rules, 2010] for a hearing of their claims on merits.
4. On instructions, Mr. Dwarkadas submits that the petitioners may be granted liberty to approach the Hon'ble Supreme Court with all the issues raised in the PIL Petition.
5. In view thereof, this PIL Petition is not entertained. It stands dismissed. This order shall, however, not preclude the

petitioners to seek remedy before the appropriate court in accordance with law. Needless to observe, no opinion has been expressed on the merits of the petitioners' claims.

6. In view of the above order, nothing survives for decision on Interim Application No. 1 of 2020; accordingly, the same stands disposed of.
7. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

[S. S. SHINDE, J.]

[CHIEF JUSTICE]