

ITEM NO.48

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1166/2025

JIPNESH NARENDRA JAIN

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA &amp; ORS.

Respondent(s)

(FOR ADMISSION IA No. 305784/2025 - GRANT OF INTERIM RELIEF)

Date : 12-01-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :Mr. Santosh Paul, Sr. Adv.  
Mr. Somanatha Padhan, AOR

For Respondent(s) :

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

1. The instant petition under Article 32 of the Constitution of India has been filed seeking quashment and setting aside of Expression of Interest dated 19.12.2024 issued by the Municipal Corporation of Greater Mumbai to an agency for development and long-term maintenance of the landscaped gardens and promenade along the "Dharmaveer Swarajyarakshak Chhatrapati Sambhaji Maharaj Mumbai Coastal Road (South)" and to quash all

further steps along with seeking several incidental reliefs.

2. It is the apprehension of the petitioner that the project would violate the undertaking as furnished to the Corporation affecting the residential and commercial development of the reclaimed land *inter-alia* on the presumption that the process of tender does not contemplate or permit any such development. In our view, the said apprehension is unfounded in particular looking to the fact that Mumbai is one of the prominent cities of India, however, its strategic development including integrated public parks and space surrounding the sea link or on coastal land is essential for its beautification and for ecological enhancement for the inhabitants, therefore, the challenge as made is devoid of any merit. After going through the material available on record, the tender process indicates sincere efforts of the Corporation to fulfill the need of the hour and the citizens of Mumbai, as such, we cannot preclude the development management, therefore, a project facilitating

the public with amenities including gardens, urban parks, walking and cycle tracks. Such facilities also require recreational, cultural activities for the use of the citizens thereby, the strategic development of Mumbai nearby the costal road can be made. In this regard, it shall suffice to say that the said area ought to be accessible for general public for its free use except making provision with respect to maintaining the project with high standards and in the best possible manner. It is suffice to say that if the agency and the corporation wish to carry out any activities necessary for attracting visitors or developing iconic parks or centers for public attraction including recreational attraction and other regulated facility by charging some fee it may be permitted to be introduced on limited areas thereby the safety, security and public order can be maintained by the agency or through Corporation in their wisdom. It will also suffice to observe that no residential and commercial development for sale or lease of the said property shall be permitted to be maintained in terms of the contract.

3. In view of the foregoing observations, we are not inclined to entertain the present writ petition, accordingly, the same is dismissed. Pending applications, if any, shall stand disposed of.

**(GULSHAN KUMAR ARORA)**  
**DEPUTY REGISTRAR**

**(NAND KISHOR)**  
**ASSISTANT REGISTRAR**