

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

WRIT PETITION NO.488 OF 2005

Tata Consultancy Services Ltd. & Anr. Petitioners

Vs.

The Collector of Bombay & Ors. Respondents

AND

WRIT PETITION NO.786 OF 2014

WITH

NOTICE OF MOTION NO.140 OF 2015

IN

WRIT PETITION NO.786 OF 2014

WITH

NOTICE OF MOTION {L} NO.237 OF 2017

IN

WRIT PETITION NO.786 OF 2014

WITH

NOTICE OF MOTION {L} NO.397 OF 2017

IN

WRIT PETITION NO.786 OF 2014

Alfa Mana Realtors Pvt. Ltd. & Anr. Petitioners

Vs.

State of Maharashtra & Ors. Respondents

AND

WRIT PETITION NO.328 OF 2015

Vrindavan Co-operative Housing
Society Ltd.

.... Petitioner

Vs.

State of Maharashtra & Anr. Respondents

WITH

WRIT PETITION NO.345 OF 2015

Asuda Kutir Co-operative Housing
Society Ltd. Petitioner

Vs.

State of Maharashtra & Ors. Respondents

WITH

WRIT PETITION NO.347 OF 2015

Deleted since deceased & Anr. Petitioners

Vs.

State of Maharashtra & Anr. Respondents

WITH

WRIT PETITION NO.348 OF 2015

The Seakist Co-operative Housing
Society Ltd. Petitioner

Vs.

State of Maharashtra & Anr. Respondents

WITH

WRIT PETITION NO.483 OF 2015

Mon Repos Co-op. Hsg. Soc. Ltd. Petitioner

Vs.

State of Maharashtra & Anr. Respondents

WITH

WRIT PETITION NO.491 OF 2015

Adil Gandhi Petitioner

Vs.
State of Maharashtra & Anr. Respondents

WITH
WRIT PETITION NO.492 OF 2015

The Bandra Parsi Convalescent Home
for Women and Children Petitioner
Vs.
State of Maharashtra & Anr. Respondents

WITH
WRIT PETITION NO.493 OF 2015

The Shirinbai Cama Convalescent Home
for Poor Parsi Men and Boys Petitioner
Vs.
State of Maharashtra & Anr. Respondents

WITH
WRIT PETITION NO.511 OF 2015

Seaking Co-operative Housing Society Ltd. Petitioner
Vs.
State of Maharashtra & Anr. Respondents

WITH
WRIT PETITION NO.923 OF 2014

Anil Kapoor & Others Petitioners
Vs.
State of Maharashtra & Anr. Respondents

WITH
PUBLIC INTEREST LITIGATION NO.108 OF 2013
WITH

NOTICE OF MOTION {L} NO.549 OF 2014

Shailesh Ramkumar Gandhi Petitioner
Vs.
State of Maharashtra & Ors. Respondents

AND

WRIT PETITION NO.2785 OF 2017

Jay Kay Industrial Tenants Association Petitioner
Vs.
The State of Maharashtra & Ors. Respondents

AND

WRIT PETITION NO.765 OF 2018

Vidyavihar Containers Limited
(formerly known as Nathani Steels
Limited) & Anr. Petitioners
Vs.
The State of Maharashtra & Ors. Respondents

AND

WRIT PETITION {L} NO.270 OF 2018

Tarabaug Aikayawardhak Co-operative
Housing Society Ltd. Petitioner
Vs.
State of Maharashtra & Anr. Respondents

AND

WRIT PETITION {L} NO.545 OF 2018

Sea Kunal Corporation Private Limited
& Anr. Petitioners
Vs.
The State of Maharashtra & Ors. Respondents

AND

WRIT PETITION {L} NO.772 OF 2018

Alfa Mana Realtors Private Limited
& Anr. Petitioners
Vs.
State of Maharashtra & Ors. Respondents

AND

WRIT PETITION {L} NO.788 OF 2018

Sanghvi Premises Pvt. Ltd. Petitioner
Vs.
State of Maharashtra & Ors. Respondents

APPEARANCES:

WP-488/2005

Mr. Zal Andhyarujina with Mr. R.K. Satpalkar i/by
M/s. Mulla & Mulla & Craigie, Blunt & Caroe for the
Petitioners.

Mr. Ashutosh Kumbhakoni, Advocate General with
Ms Geeta Shastri, Addl. GP, for Respondent Nos.1 & 2.

WP-786/2014

Mr. Chirag Balsara with Mr. Abbas Zaidy i/by Zohair H.
Zaidy for the Petitioners.

Mr. A.Y. Sakhare, Senior Counsel with Ms Jyoti Chavan,
AGP, for the Respondent-State.

WP-328/2015, PIL-108/2013, WP-923/2014,
WP-Nos.345, 347, 348, 483, 491, 492, 493
And 511 OF 2015

Mr. Vaibhav Joglekar with Mr. Rihal Kazi i/by M & M Legal Ventures for the Petitioner(s) in WP-Nos.328 & 347 of 2015.

Mr. Rihal Kazi i/by M & M Legal Ventures for the Petitioner(s) in WP-Nos.345, 348, 483, 491, 492, 493 & 511 of 2015.

Mr. Rafique Dada, Senior Counsel with Mr. N.S. Sahu, Mr. Vicky Singh, Mr. M.F. Federal, Mr. Murtuza M. Federal, Ms Spenta Havewala, Mr. Aadit Sanjanwala & Ms Paulomi Mehta i/by M/s. Federal and Rashmikant for the Petitioners in WP-923/2014.

Mr. Chetan Mali for the Petitioner in PIL-108/2013.

Mr. Ashutosh Kumbhakoni, Advocate General with Mr. H.S. Venegaonkar, Addl. GP, for the Respondent-State in WP-Nos.328 & 491 of 2015.

Mr. Ashutosh Kumbhakoni, Advocate General with Ms Geeta R. Shastri, Addl. GP, for the Respondent-State in PIL-108/2013, WP-923/2014, WP-Nos.345, 347, 348, 483 & 511 of 2015.

Mr. Ashutosh Kumbhakoni, Advocate General with Mr. Milind More, Addl. GP, for the Respondent in WP-Nos.492 & 493 of 2015.

WP-2785/2017

Mr. Rompal Kohli with Ms Niharika S. Waradkar & Mr. Amod Ekhaspur i/by C.K. Legal for the Petitioner. Mr. Ashutosh Kumbhakoni, Advocate General with Ms Geeta R. Shastri, Addl. GP, for the Respondent-State.

WP/765/2018

Mr. Rafique Dada, Senior Counsel with Mr. Ashish Kamat, Mr. Jai Chabbria, Mr. M.S. Federal, Mr. Murtuza Federal, Mr. Vishesh Malviya & Ms Anuja Abhyankar i/by M/s. Federal and Rashmikant for the Petitioners.

Mr. Ashutosh Kumbhakoni, Advocate General with Ms Geeta R. Shastri, Addl. GP, for the Respondent-State.

WPL-270/2018

Mr. Yadunath Chaudhari with Mr. Chinmaya Acharya i/by Prerna R. Lalchandani for the Petitioner.
Ms Jyoti Chavan, Addl. GP, for the Respondents.

WPL-545/2018

Ms Deeksha Jani i/by Hariani & Co for the Petitioners.

WPL-772/2018

Mr. Chirag Balsara with Mr. Abbas Zaidy i/by Zohair H. Zaidy for the Petitioners.
Ms Jyoti Chavan, AGP, for Respondent-State.

WPL-788/2018

Mr. Yadunath Chaudhari with Mr. Susmit Phatale i/by Jaswandi Anil Khatu for the Petitioner.

CORAM: S.C. DHARMADHIKARI &
SMT. ANUJA PRABHUDESSAI, JJ.

DATE : APRIL 26, 2018

P.C:

1. Mr. Kumbhakoni, learned Advocate General, informs us that in respect of the pending issues, particularly in Greater Mumbai in relation to allotment of Government lands on lease or under an order of grant basis, the State Cabinet has taken a decision. The State Cabinet's decision modifies the Government Resolution dated 12-12-2012 with regard to which serious apprehensions were expressed, particularly by those persons who were occupying residential tenements/flats in the buildings constructed on Government lands. The Co-operative Housing Societies apprehended that a huge financial burden will have to be borne by them only to obtain a renewal of the lease as also while seeking to effect any transactions or deals, particularly of the nature of assignment and transfer/sale, etc.. Now the policy is that in relation to such users, identified as purely residential, if the plot area is less than 500 metres or 500 metres, the

Government would charge annual rental to the extent of 1% of 25% of the rates specified in the Ready Reckoner. In other words, this would be the annual increase in the lease rentals. If the allotment of land/plots is to Co-operative Housing Societies and purely for residential purposes, then as well the annual rentals would increase to the extent indicated above. There is a special provision made to charge a nominal rate only in respect of those leases or grants of land for purely charitable purposes and identified for use as Dharmashalas, Orphanages, etc.. However, this will not be applicable to such educational and health/medical users who have obtained Government lands for setting and establishing educational institutions and hospitals.

2. The State would continue to charge a nominal rent in cases of those special leases and grants and there the renewals will be effected on case-to-case basis by the competent officials.

3. However, it is clarified by the learned Advocate General that the above policy shall not be applicable when there is a redevelopment undertaken of the property and in that event

the obligation to share unearned income or pay premium/transfer charges would have to be fulfilled in terms of the Government Resolution dated 12-12-2012.

4. The learned Advocate General says that an affidavit would be filed on or before 3-5-2018 to the above effect so that this Court can pass appropriate orders disposing of such of the petitions where the relief sought is not to apply this Government Resolution dated 12-12-2012 in its original form.

5. Stand over to **4-5-2018**.

(SMT. ANUJA PRABHUDESSAI, J.)

(S.C. DHARMADHIKARI, J.)