

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (PIL) NO. 3000 OF 2002

V.U. Mada and Ors. ...Petitioners

Versus

The Collector of Mumbai and Ors. ...Respondents

Mr. Shiraz Rustomjee i/s. Pravin Mehta & Mithi & Co. for petitioners.

Mr. Joaquim Reis for Respondent No.4.

Mr. R.U. Singh for interveners.

With

**Writ Petition (Lodging) No. 206 of 2005**

Palm Beach Riviera Co-op. Hsg. Soc. And Anr. ...Petitioners

Versus

State of Maharashtra and Ors. ...Respondents.

Mr. Shyam Diwan with Ms. Manjiri Shah, Ms. Sandhya Mhatre and Ms. Rane instructed by Ashwin Ankhad and Associates for the petitioners.

Mr. Rajiv Chavan along with Kiran Kandpile instructed by Dr. T.C. Koushik for respondent No.5.

With

**Writ Petition (Lodging) No. 482 of 2005**

Neil John Creado and Ors. ...Petitioners

Versus

State of Maharashtra and Ors.

...Respondents.

Mr. Mukesh M. Vashi for the petitioners.

With

**Writ Petition (Lodging) No. 598 of 2005**

K.A. Aboobakar and Ors.

...Petitioners

Versus

The Bombay Municipal Corporation and Ors.

...Respondents.

Mr. M. M. Vashi instructed by M/s. M.P. Vashi and Associates for the Petitioners.

With

**Writ Petition (Lodging) No. 611 of 2005**

Vijay Mohandas Keswani

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr. A.V. Anturkar with Mrs. K.Shukla for the petitioner.

Mr. Rajiv Chavan along with Kiran Kandpile for respondent Nos. 6 and 7.

Ms. P.A. Purandare for the B.M.C. in all matters.

Mr. K.R. Belosey, Assistant Government Pleader, for the State in all matters.

**CORAM: DALVEER BHANDARI, C.J. &  
S.A. BOBDE, J.**

**DATE: FEBRUARY 28, 2005.**

P.C.

We have heard the learned counsel appearing for the parties.

2. We direct the State of Maharashtra to provide information to the Court regarding the houses and other properties constructed on Juhu Beach. We would also like the State to inform the Court the area under lease allotted to those house owners/property owners. We would also like the State to inform the high tide line/original wall dividing beach from the rest of Juhu area and, if possible, on a sketch of map. The map should also clearly indicate the high tide line. Let these particulars be provided in the form of an affidavit within three weeks. We would like a Senior Officer of the Government to appear before the Court on the next date and all other subsequent dates with the entire record of the case.

3. We direct the parties to complete pleadings in all the petitions. We direct the parties to file reply affidavits on or before 15<sup>th</sup> March, 2005. Rejoinder, if any, be filed on or before 24<sup>th</sup> March, 2005.

4. Looking to the gravity of this matter, we would like the President of the Bombay Bar Association Mr. Rafiq Dada, Senior Advocate, and its Secretary Mr. Gautam Patel, Advocate, to assist this Court as *amicus curiae*. We direct the parties to give two sets of petitions to the learned *amicus curiae*. Let that be done within two weeks from today.
5. We direct all the parties not to carry out any construction on Juhu Beach until further orders. However, as far as the relocation of the hawkers stalls and parking areas are concerned, that may continue.
6. List these petitions for hearing on 28<sup>th</sup> March, 2005.

**CHIEF JUSTICE**

**S.A. BOBDE, J.**