

IN THE HIGH COURT OF Maharashtra AT Maharashtra
PUBLIC INTEREST LITIGATION (PIL) NO. _____ OF 2025

In the matter of:

Adv. Priya Sharma

Mumbai

Petitioner

Versus

State of Maharashtra

Maharashtra Pollution Control Committee

Ministry of Environment, Forest and Climate Change

Central Pollution Control Board

Municipal Corporation of Mumbai

Mumbai Development Authority

Respondents

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

To,

The Hon'ble Chief Justice and His Companion Justices of the Hon'ble High Court of Maharashtra

Most Respectfully Sheweth:

1. That the Petitioner is a resident of Maharashtra and is filing the present Public Interest Litigation in the interest of environmental protection and public health.
2. That the Petitioner has been compelled to approach this Hon'ble Court due to the inaction of the concerned authorities in addressing the serious issue of environmental pollution and public health hazards.
3. That the Petitioner has made several representations to the local authorities regarding this issue, but no action has been taken so far.
4. That the present petition is being filed in public interest and not for any personal gain or vendetta.

FACTS OF THE CASE:

1. The Municipal Corporation of Mumbai awarded a contract worth ₹2,500 crores to XYZ Infrastructure Ltd. for the construction of a 10-kilometer coastal road project on January 15, 2023, which involves land reclamation and has seen a 300% increase in project costs from the initial estimate, with no adequate justification provided.

2. The Environmental Impact Assessment (EIA) report, mandated to be made public, has not been uploaded on the Corporation's website despite multiple RTI applications filed since March 2023, raising serious concerns about transparency and compliance with the Environmental Protection Act, 1986.

3. The project has already displaced approximately 5,000 families from the local fishing community, with inadequate rehabilitation measures in violation of the National Rehabilitation and Resettlement Policy, 2007, while also causing significant harm to endangered marine species and contravening Coastal Regulation Zone (CRZ) guidelines by constructing within 500 meters of the high tide line.

LEGAL BASIS:

1. Article 21 of the Indian Constitution guarantees the right to life, which has been interpreted by the Supreme Court in *M.C. Mehta v. Union of India* (1988) to include the right to a clean and healthy environment. The failure to conduct a proper Environmental Impact Assessment (EIA) and the ongoing environmental degradation caused by the coastal road project directly infringe upon this fundamental right.

2. The Environmental Protection Act, 1986, mandates that an EIA must be conducted for projects that may significantly affect the environment. The Municipal Corporation of Mumbai's failure to publicly disclose the EIA report, despite multiple RTI applications, constitutes a violation of this statutory requirement and undermines public participation in environmental governance.

3. The Coastal Regulation Zone Notification, 2011, prohibits construction activities within 500 meters of the high tide line to protect coastal ecosystems. The ongoing construction of the coastal road project in violation of these guidelines not only threatens endangered marine species but also contravenes established environmental regulations aimed at preserving coastal biodiversity.

4. The National Rehabilitation and Resettlement Policy, 2007, outlines the obligations of the state to rehabilitate families displaced by development projects. The displacement of 5000 families from the fishing community without adequate rehabilitation measures violates this policy, highlighting a failure to uphold the rights of affected individuals and communities.

PRAYERS:

In light of the above, the Petitioner most respectfully prays that this Hon'ble Court may be pleased to:

1. Direct the Municipal Corporation of Mumbai to immediately upload the Environmental Impact Assessment (EIA) report for the coastal road project on its official website and to conduct a public consultation within 30 days to address the concerns raised by the community and stakeholders.

2. Order an independent investigation into the contract award process and the financial irregularities associated with the coastal road project, with a report to be submitted to this Hon'ble Court within 60 days, ensuring accountability and adherence to the relevant environmental and rehabilitation laws.

VERIFICATION:

I, Adv. Priya Sharma, the Petitioner herein, do hereby verify that the contents of this petition have been read over and explained to me in the language I understand, and the same are true to my knowledge, information, and belief, and no part of it is false and nothing material has been concealed therefrom.

Verified at Maharashtra on this _____ day of May, 2025.

Solemnly affirmed and signed before me

Notary Public

PLACE: Maharashtra

DATE: 17 May, 2025

Through Counsel

Petitioner