

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO. 1339 OF 2014**

Maharashtra Chamber of  
Housing Industries, an  
Association of Builders and Developers,  
having its office at 4<sup>th</sup> Floor,  
18, Sir Vithaldas Thakersey Marg,  
New Marine Lines,  
Mumbai-400 020.

....Petitioners.

Vs.

- 1 The State of Maharashtra,  
through the Office of the  
Government Pleader,  
High Court, Original Side,  
Mumbai.
- 2 The Municipal Corporation of  
Greater Mumbai,  
having its office at  
Mahapalika Building,  
Mahapalika Marg, Mumbai-400 001.
- 3 India Meteorological Department,  
(Ministry of Earth Sciences), (IMD)  
Office of the Dy. Director General of  
Meteorology, Regional Meteorological  
Centre, Colaba, Mumbai-400 005.

....Respondents.

WITH

## WRIT PETITION (LODGING) NO. 1555 OF 2014

Kora Constructions Private Limited,  
a Company incorporated under the  
Companies Act, 1956 and having  
its registered office at  
C 3, Bharat Nagar, Grant Road,  
Mumbai 400 007.

....Petitioners.

Vs.

- 1 Government of Maharashtra,  
through Chief Secretary,  
having his office at Mantralaya,  
Mumbai-400 032.
- 2 The Municipal Corporation of  
Greater Mumbai,  
having its office at  
Mahapalika Building,  
Mahapalika Marg, Mumbai-400 001.
- 3 India Meteorological Department,  
Ministry of Earth Sciences,  
Office of the Dy. Director General of  
Meteorology, Regional Meteorological  
Centre, Colaba, Mumbai-400 005.

....Respondents.

WITH

## WRIT PETITION (LODGING) NO. 1729 OF 2014

- 1 Castle Realtors Private Limited  
a Company incorporated under  
the Companies Act, 1956 and  
having its registered office at  
292, Bellasis Road, Mumbai Central,

Mumbai-400 008.

- 2 Dudhwala Real Estate & Investment,  
a Company incorporated under  
the Companies Act, 1956 and  
having its registered office at  
292, Bellasis Road, Mumbai Central,  
Mumbai-400 008.

....Petitioners.

Vs.

- 1 Government of Maharashtra,  
through Chief Secretary,  
having his office at Mantralaya,  
Mumbai-400 032.
- 2 The Municipal Corporation of  
Greater Mumbai,  
having its office at  
Mahapalika Building,  
Mahapalika Marg, Mumbai-400 001.
- 3 India Meteorological Department,  
Ministry of Earth Sciences,  
Office of the Dy. Director General of  
Meteorology, Regional Meteorological  
Centre, Colaba, Mumbai-400 005.

....Respondents.

WITH

**WRIT PETITION NO. 2572 OF 2013**

- 1 Redstone Realtors  
a duly registered partnership firm  
having its office at 5<sup>th</sup> Floor, Everest  
CHS Ltd. 164, Hill Road,  
Bandra (W), Mumbai-400 050.
- 2 Mr. Afzal J. Ladak,  
of Mumbai an adult Indian Inhabitant

having address at 5<sup>th</sup> Floor, Everest  
CHS Ltd., 164, Hill Road,  
Bandra (W), Mumbai 400 050.

....Petitioners.

Vs.

- 1 The State of Maharashtra,  
through the Office of the  
Government Pleader,  
High Court, Original Side,  
Mumbai.
- 2 The Municipal Corporation of  
Greater Mumbai,  
having its office at  
Mahapalika Building,  
Mahapalika Marg, Mumbai-400 001.
- 3 India Meteorological Department,  
(Ministry of Earth Sciences), (IMD)  
Office of the Dy. Director General of  
Meteorology, Regional Meteorological  
Centre, Colaba, Mumbai-400 005.

....Respondents.

Mr. Janak Dwarkadas Senior Counsel a/w Mr. Vineet Naik Senior Counsel with Mr. Cyrus Ardeshir a/w Mr. Rahul Dwarkadas with Ms. Prachi Damani a/w Ms. Atika Vaz i/by Wadia Ghandy & Co. for the Petitioners in WP No. 1339 of 2014,  
Mr. Vineet Naik Senior Counsel with Mr. Rahul Dwarkadas with Ms. Prachi Damani a/w Ms. Atika Vaz i/by Wadia Ghandy & Co. for the Petitioners WP(L) No. 1555 of 2014

Mr. Cyrus Ardeshir a/w Mr. Rahul Dwarkadas with Ms. Prachi Damani a/w Ms. Atika Vaz i/by Wadia Ghandy & Co. for the Petitioners WP (L) No. 1729 of 2014.

Mr. P.K. Samdhani, Senior Advocate with Mr. Kishor Jain i/by Abha Gupta & Divya Jain for the Petitioners in WP No. 2572 of 2013.

Mr. Parag Vyas for the Union of India.

Mr. A.Y. Sakhare, Senior Counsel with Ms. Komal Punjabi for the

MCGM.

Mr. Parag Vyas for Union of India in all the Petitions.

Mr. D.J. Khambatta, Advocate General with Mr. D.A. Nalawade, GP with Mr. G.R. Shastri, AGP with Ms. Uma Palsuledesai, AGP with M. Kajale, AGP for the State.

**CORAM : ANOOP V. MOHTA AND  
A.A. SAYED, JJ.**

**DATE : 14 JULY 2014.**

**ORAL JUDGMENT (PER ANOOP V. MOHTA, J.)**

Rule, returnable forthwith. Heard finally by consent of the learned counsel appearing for the respective parties.

2 The issue involved in these Writ Petitions pertains to the Doppler Weather Radar (DWR) in Mumbai. By various orders, we have already recorded the importance and urgency of shifting of DWR from the existing place or to install new DWR in Mumbai, as vertical development of projects involving high rise buildings have been stopped since 2010.

3 We have already noted in order dated 3 July 2014 that except Respondent-India Meteorological Department (for short, "the IMD"), other Respondents including the State of Maharashtra and the

Municipal Corporation of Greater Mumbai (for short, "MCGM") have no objection to take such effective steps so that the development in the area need not be halted for want of NOC from the IMD.

4 Now, the IMD by affidavit dated 11 July 2014, which is filed today, records as under:-

"3. I now proceed to update the Hon'ble High Court in respect of the Administrative Ministry i.e. Ministry of Earth Sciences clarification that the existing policy guidelines for clearance of tall buildings proposed to be constructed in major Metropolitan cities in the close range of ESSO-IMDs DWRs should now onwards need not become hindrance to the compelling development needs of the mega cities like Mumbai. Accordingly, the said guidelines need not be considered to be a part of the clearance mechanism of tall buildings proposed to be constructed in the Major Metropolitan Cities from henceforth, provided additional DWR placement at an appropriate urban locality is totally facilitated (Exhibit-A MoES/VIP/Ref./2013).

*In view of the above, the Hon'ble High Court may, while disposing of the petitions consider the above submissions of IMD and also consider the need of additional Radar for the safety of the citizens."*

5 We have gone through the affidavit and the supporting documents. As there is no objection for future development in question from any authorities, we are inclined to dispose of the

present Writ Petitions by directing the Municipal Corporation to forthwith commence the process of approving plans already submitted and plans that shall be submitted hereafter, in accordance with the Development Control Regulation 1991 without insisting the NOC from IMD.

6 All the concerned parties to support and co-operate and facilitate, an appropriate site for the installation of additional DWR, without further delay.

7 Resultantly, all the Petitions are disposed of. There shall be no order as to costs.

(A.A. SAYED, J.)

(ANOOP V. MOHTA, J.)

**TRUE COPY**  
P. 6/10/2014  
Section Officer  
High Court, Appellate Side  
Bombay