

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

P.I.L.WRIT PETITION NO.904 OF 2005

Ehsanul Haque A. Nadvi
v/s.
Union of India and others

.. Petitioner
.. Respondents

None for the petitioner.

Mr.B.A.Desai, Additional Solicitor General with Ms.Navena Kumai
for the respondent No.1.

Mr.Z.A.Jariwala i/by M/s.Thakore Jariwala & Associates for the
respondent No.9.

Mr.P.A.Purandare i/by Mr.S.H.Ujjainwala for the respondent No.6.

Mr.Pradeep Jadhav, Assistant Government Pleader for the
respondent Nos.2 to 5.

Mr.R.Y.Gadekar, Trustee of Shree Gavdevi Durga Devasthan
Trust.

CORAM : R.M.LODHA &
NARESH H. PATIL, JJ.

DATED : 10TH AUGUST, 2006.

P.C.

By the order dated 29th June, 2006, the Director, Indian Institute of Technology, Powai was requested to nominate an expert from the Institute to inspect the Gilbert Hill and report to this court as to whether any development or construction by the respondent Nos.8 and 9 in the area has resulted into damage and whether any portion of the Gilbert Hill has been cut and/or removed

for the development in the area. The court also sought suggestions from the nominated expert for protection, preservation and conservation of the Gilbert Hill. We directed respondent No.9 to deposit a sum of Rs.25,000/- with the Registry of this court within one week from the date of the order towards tentative cost of the expert.

2. We are informed by the counsel for the respondent No.9 that tentative cost of Rs.25,000/- was deposited on 6th July, 2006. There is nothing on record to indicate as to whether any intimation was sent by the counsel for the petitioner to the Director, Indian Institute of Technology, Powai about the order dated 29th June, 2006. The counsel for the petitioner is not even present.

3. In the circumstances, we direct the Registry of this court to send a copy of the writ petition alongwith the annexures and a copy of the order dated 29th June, 2006 to the Director, Indian Institute of Technology, Powai with a request to nominate an expert from the institute to inspect the Gilbert Hill, Andheri (West). The Registry shall forward a copy of the writ petition alongwith the annexures and the order dated 29th June, 2006 as well as today's order to the Director, Indian Institute of Technology, Powai within one week from today. We expect the Director, Indian Institute of Technology, Powai to nominate an expert immediately thereafter and the expert so nominated to submit his report within three weeks of his nomination.

4. Let the matter come up for consideration on 21st September, 2006.

5. The interim restraint order shall continue in the meanwhile.

(R.M.LODHA, J.)

(NARESH H. PATIL, J.)

Bombay High Court

Gilbert Hill is on shaky ground

Vijay Singh | TNN

Nalin Solanki

Mumbai: Situated close to Bhavan's college in Andheri (west), Gilbert Hill is a rare and unique volcanic structure that is now in the danger of collapsing because of haphazard growth of buildings around it. On Tuesday morning, when another deluge hit Mumbai, large boulders of black basalt came crashing down from the top of the 200-foot-high hill, much to the shock and dismay of locals. Fortunately, no one was hurt as people were indoors due to the downpour.

A resident who witnessed the incident said: "There was a loud noise as boulders came crashing down during the rains. The earth shook and everybody was very scared."

Geologist and former IIT professor, V Subramanyan, who has been studying Gilbert Hill for the last five years, said the incident was a clear sign of the damage inflicted by unmitigated development all around the structure. "The hill has been declared a national monument by the Geological Survey of India, but it is highly unstable due to the reckless encroachments."

A number of highrises have come up all around Gilbert Hill in recent years, triggering concerns for its stability. The Bombay HC had directed an IIT-Powai team to survey the hill and suggest measures for its protection. The HC has also stayed all constructions around the hill for the past one year. The ruling may help rescue the pre-historic structure believed to have been formed due to a volcanic eruption around 65 million



TALL TROUBLE: The hill is unstable due to reckless construction around

years ago. "Nowhere else in the country is there a residual hill formed of columnar rock like this and it so deserves to be preserved at all cost," said Subramanyan.

Gilbert Hill has survived the extensive quarrying that has been going on all around it for years. One of the trustees of Gaondevi temple situated atop the hill, S Pardeshi, told TOI: "We have appealed to the municipality, collector and other authorities for years to save the hill from builders and other encroachers, but nothing has happened."

Excavations at the hill's base will remove the 'toe support' for the columns and destabilise the hill and in due course, the columns will open up at the top and fall off on the sides, according to Prof Subramanyan. "The only solution would appear to be to 'grout' the joint-openings between the columns so that they do not spall off on the sides."