

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 904 OF 2005

Ehsanul Haque A. Nadvi

...Petitioner

Versus

Union of India and others

...Respondents

Mr. Akhilesh Upadhyay for the petitioner.

Mr. B.A. Desai, Additional Solicitor General, with Ms. Bharati Mahant and Ms. Naveena Kumari, for respondent No.1 and 7

Mr. G.D. Uttangale, instructed by Uttangale & Co., for respondent No.3.

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

Mr. K.K. Singhvi, with Mrs. A.K. Savla for respondent No.6.

Mr. T.N. Subramanian, Senior Advocate, instructed by M/s. Thakore Jariwala & Associates for respondent No. 8.

WITH

WRIT PETITION NO. 123 OF 2006

Gavdevi Durga Devasthan Trust

... Petitioners

Versus

The Union of India and others

.... Respondents

Mr. C.U. Singh, Senior Advocate, instructed by M/s. Jayakars for the petitioners.

Mr. B.A. Desai, Additional Solicitor General, with Ms. Bharati Mahant and Ms. Naveena Kumari, for respondent No.1, 3 and 6.
Mr. K.K. Singhvi, with Mrs. A.K. Savla for respondent No.4.

Mr. T.N. Subramanian, Senior Advocate, instructed by M/s. Thakore Jariwala & Associates for respondent No. 7.

Mr. Sanjay Jain and Mr. Deepak Poonamiya, instructed by A.V. Jain Associates, for respondent No.8.

**CORAM: SWATANTER KUMAR, C.J. &
SMT. RANJANA DESAI, J.**

DATE: JULY 16, 2007.

P.C.

Affidavit on behalf of respondent No.3 has been filed in Court today. Liberty to the petitioners as well as other parties to file counter affidavit thereto, if any, within two weeks from today.

2. Vide our order dated 7th June, 2007, we had passed certain directions, particularly calling for the respondents to state whether in 1952 the hill in question was declared as a National Park or not. Let a specific reply in that regard be filed positively before that date. The Registry has also placed on record a letter received from Sardar Patel College of Engineering stating that their dues for the services rendered have not been paid. We direct the concerned parties to ensure that the payment is made before the next date of hearing positively. Stand

over to 1st August, 2007.

CHIEF JUSTICE

SMT. RANJANA DESAI, J.

Bombay High Court

Gilbert Hill faces the axe

DNA Correspondent

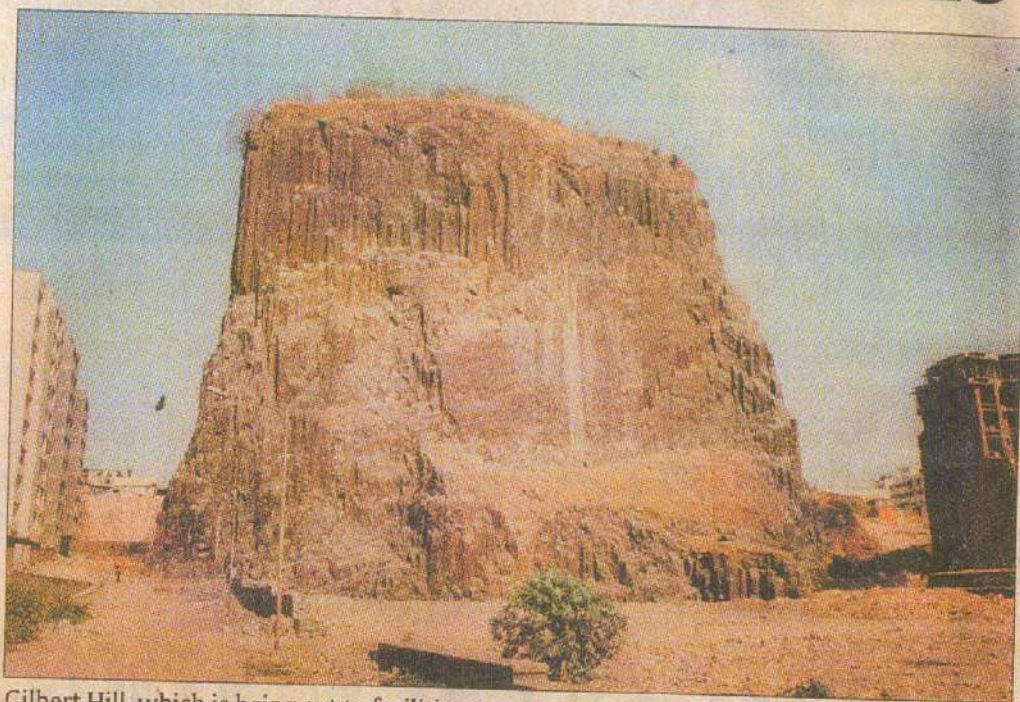
Gilbert Hill, an outcrop of the hillocks at Andheri (west), was thickly wooded and had a green canopy. Today, this natural wonder is fighting for survival.

The 'Shree Gaondevi Durga Deosthan Trust', which manages the Durga temple atop the hill, has alleged that a private builder sought to cut a portion of the hill. The hill, they alleged, was obstructing the construction of a public road. However, a spokesperson for Jay Jay Construction, the builder, said, "There is no construction next to the hill. We are not planning any road there."

For the trust, the threat could not be more real.

First, the quarry companies tried to control the hill. By the time the state banned quarrying, haphazard construction activities such as slum redevelopment and multi-storey buildings had begun. A visit to the hill showed construction work was on.

Jay Jay Constructions had recently built houses close to the hillock and a compound wall touching its base. Barely 12 metres away, a slum redevelopment scheme was underway on the other side. Temple trustee Rajaram Gadekar said, "Construction of the



Gilbert Hill, which is being cut to facilitate constructions

wall scared us. Repeated inquiries revealed plans to build a road after demolishing a portion of the hill." Documents with the trust show that the 'Parks and Gardens Advisory Committee' had declared the hill as a national park in 1952. It had even passed an order to erect a boundary wall around it. Worried of a threat to the monument, the trust even had an independent survey conducted by Sardar Patel College of Engineering. The survey revealed deep excavations near the rock's base, which

could result in instability.

Quote Unquote

• **SS Zende, suburban district collector:** The development work near the Hill is the responsibility of municipal authority and the slum redevelopment authority.

• **Debasish Chakravarty, chief executive officer, SRA:** No SRA scheme has been permitted within 500 to 700 ft of the hillock. Also, though a one window system, the SRA does not grant construction per-

mission without getting remarks on the proposal from the civic body and the collector. I am not aware of whether the hillock has been declared a national park. But there is a court order which prevents construction near the hill.

• **Spokesperson for Jay Jay Constructions:** There is no construction next to the hill. We are not planning any road next to the hill. It is a privilege to have our work near the wonderful monument is located. We have taken all precautions during construction.