

FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.
WRIT PETITION NO.904 OF 2005
with
(PIL) WRIT PETITION NO.123 OF 2006

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Office Notes, Office Memoranda of : Court's or Judge's orders.
coram, appearances, Court's orders :
or directions and Registrar's :
orders. :
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W.P.No.904 of 2005

Mr.Akhilesh Upadhya for petitioner.
Mr.B.A.Desai, Addl.Solicitor
General with Ms.Naveena Kumari for
respondent No.1.
Mrs.Priti Purandare for BMC.
Mr.Uttangale i/by Uttangale & Co.
for respondent no.3.

PIL No.123 of 2006

Mr.R.V.Gadekar of petitioner-Trust
present.
Mr.Sanjay Jain with Ms.Laxmi G.
Jessani for respondent No.8.

**CORAM : H.L GOKHALE, ACTING C.J. &
V.M.KANADE, J.**

DATED : 17th January 2007

P.C. :

1. Heard the learned Counsel
for the parties.

2. The Slum Rehabilitation
Authority ("SRA") and the
Municipal Corporation will file
their replies. The SRA will place

on record as to what is the distance between its project and the Hills and the Municipal Corporation will place on record as to what are the relevant rules regarding the constructions around such Hills. On their request, both the matters to stand over to 14th February 2007.

3. Ad-interim orders, as granted earlier, will continue to operate until further orders.

(ACTING C.J.)

(V.M. KANADE, J.)

HC asks Central panel to inspect Gilbert Hill

Mayura Janwalkar

The scrutiny of damage caused to the geological monument Gilbert Hill near Andheri (West) will now have to be done by an expert from the Union Ministry of Environment and Forest (MOEF) as per the order of the Bombay High Court. In October 2006, the court had approved the appointment of a joint committee of experts to inspect the Gilbert Hill site. The committee had to check the geological monument for any damages caused by constructions in its vicinity and submit a report to the court.

However, appearing on behalf of Harsh builders, who have structures in the vicinity of the Hill, advocate Sanjay Jain told the court that the builders had sought the sanction of planning authorities and geo-technical reports before erecting structures in the area.

Justice JN Patel and Justice VC Daga asked the counsels for BMC and the state government if any preven-



■ Rampant construction plagues Gilbert Hill — File photo

tive measures been taken to avoid encroachments in the area. "There has to be a sci-

**preserving
nature**

entific investigation and not just whims of the planning authorities", Justice Patel remarked.

The PIL filed by a local businessman, Ehsanul Haque, alleged that the builder, who constructed buildings under the Slum Rehabilitation Authority (SRA)

scheme in the vicinity of the rock, had damaged it. Advocate for the petitioners, Akhilesh Upadhyay told the court that even after the High Court has granted an interim stay on construction within 100m radius of the hill in April 2005, 27 buildings were constructed and five out of them were SRA buildings. The court is now awaiting the report of the MOEF expert to be filed in two weeks.

● **MMRDA SEEKS HERITAGE NOD FOR A TOURIST SPOT**

Soon, plan a picnic to Gilbert Hill

Vishwas Waghmode

How about a day's outing at the foot of an ancient hill, right here in your city's backyard? This might soon be possible if permission is granted to develop the 65-million-year-old Gilbert Hill in Andheri (West) into a tourist spot. The city's development agency, Mumbai Metropolitan Region Development Authority, is awaiting a nod from the heritage panel, the Mumbai Heritage Conservation Committee.

The 200-foot high hill, an oasis on the concrete landscape that dots the city, has been designated as a 'grade II A' heritage structure. Simply put, it means that structural changes can be made to it only with permission from the conservation panel.

Presently, the hill is com-



The 200-foot high Gilbert Hill at Andheri (West)

pletely out of bounds for vehicles. However, if the development plan is approved, the site could have transport connectivity besides development of public amenities for tourists sprucing up of the vicinity, said an official from the regional development agency.

The development could either be done on a build-operate-transfer basis or on pub-

lic-private partnership basis. In the former, a private operator will develop the site, operate it for a certain period before transferring it to the public agency. In the other case, the government and a private operator will jointly undertake development.

An official said that the hill's development proposal was mooted following re-

HILLTOP VIEW

Gilbert Hill, a 65-million-year-old structure, is the only one of its kind in the country. In 1952, the 200-foot-high structure had been declared a national park by the central government.

The hill, a column of black basalt rock with a vertical face, was formed when molten lava was squeezed out about 65 million years ago, covers an area of 50,000 sq km

quests by local legislators. "We are yet to work out the finer aspects like cost estimation and other modalities," said the official.

Chairman of the heritage committee, V Ranganathan, said they have asked for a comprehensive plan of every aspect to give approval for the development plan.

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