

## 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

Mr. Akhilesh Upadhyay for the petitioner.

Mr. B.A. Desai, Additional Solicitor General with Ms. Naveena Kumai for the respondent Nos.1 and 7.

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

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

Mr. Pradeep Jadhav, Assistant Government Pleader for the respondent Nos.2,4 and 5.

Mr. Abhijeet Wagh i/by M/s.Utangale & Co. for the respondent No.3.

CORAM : R.M.LODHA &  
S.A.BOBDE, JJ.

DATED : 27TH SEPTEMBER,

2006.

P.C.

By order dated 29<sup>th</sup> June, 2006, the Bench requested the Director, Indian Institute of Technology, Powai to nominate an expert from the institute to inspect the Gilbert Hill, Andheri (West)

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 to the Gilbert Hill and whether any portion of Gilbert Hill has been cut and/or removed for the development in the area and the suggestions for protection, preservation and conservation of the Gilbert Hill.

2. By the letter dated 26<sup>th</sup> September, 2006, the Registrar, Indian Institute of Technology, Powai has informed the Prothonotary & Senior Master that they are unable to nominate any faculty member from the institute as they do not have an expert available to give his opinion in the subject matter.

3. In the circumstances, we have to find some substitute who can give the report on the aspects aforementioned.

4. We wanted to know from Mr. B.A. Desai, Additional Solicitor General of India as to whether Geological Survey of India or National Environmental Engineering Research Institute or any other suitable corporate institution can nominate an expert for his opinion to the aspects noticed above.

5. The Additional Solicitor General prays for time to find out from the aforesaid institutes the availability of an expert.

Stand over to 11<sup>th</sup> October, 2006.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)

Bombay High Court