

## 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 29<sup>th</sup> 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 6<sup>th</sup> 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 29<sup>th</sup> 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 29<sup>th</sup> 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 29<sup>th</sup> 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 21<sup>st</sup> September, 2006.

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

(R.M.LODHA, J.)

(NARESH H. PATIL, J.)

Bombay High Court