

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PIL WRIT PETITION NO.904 OF 2005

Ehsanul Haque A. Nadvi : Petitioner

V/s.

Union of India & Ors. : Respondents

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Mr.Akhilesh Upadhyay for the petitioner.

Mr.B.A.Desai, Additional Solicitor General, with Ms Naveena Kumai for respondent nos.1 & 7.

Mr.G.D.Utangale with M/s.Utangale & Co., for respondent no.3.

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

Ms S. Ajithkumar for respondent no.6.

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

**DATE : OCTOBER 11, 2006.**

**P.C.**

1. On 27.9.2006 we granted time to the Additional Solicitor General to inform us as to whether Geological Survey of India or National Environmental Engineering Research Institute or any other suitable corporate institution can nominate an expert to give opinion in respect of Gilbert Hill, Andheri (West).

2. Mr.B.A.Desai, Additional Solicitor General, submitted

that instead of Institutional nominee, the Committee of Dr.S.Y.Mhaiskar, Professor in Civil Engineering and Principal, Sardar Patel College of Engineering, and Mr.Cyrus R. Tata, Senior Civil and Soil Engineer, may be appointed.

3. Senior Counsel and the counsel for the parties agree to the suggestion of Mr.B.A.Desai.

4. We, accordingly, appoint the Committee of Dr.S.Y. Mhaiskar, Professor in Civil Engineering and Principal, Sardar Patel College of Engineering, and Mr.Cyrus R. Tata, Senior Civil and Soil Engineer, to inspect Gilbert Hill, Andheri (West), and report to this Court as to whether any development or construction by the respondent nos.8 and 9 or any other person in the area has resulted in damage to Gilbert Hill and whether any portion of Gilbert Hill has been cut and/or removed for the development and the suggestions for protection, preservation and conservation of the Gilbert Hill.

5. Prothonotary & Senior Master is directed to communicate this order to the aforesaid members of the Committee. The Committee shall submit its report within one month from the date of communication from the Prothonotary & Senior Master. An amount of Rs.10,000/-

shall be paid as advance to the Committee out of  
Rs.25,000/- already deposited by the respondent no.9.

6. Let the matter now be posted on 7.12.2006.

R.M. LODHA, J.

S.A. BOBDE, J.

Bombay

High

Court