

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.

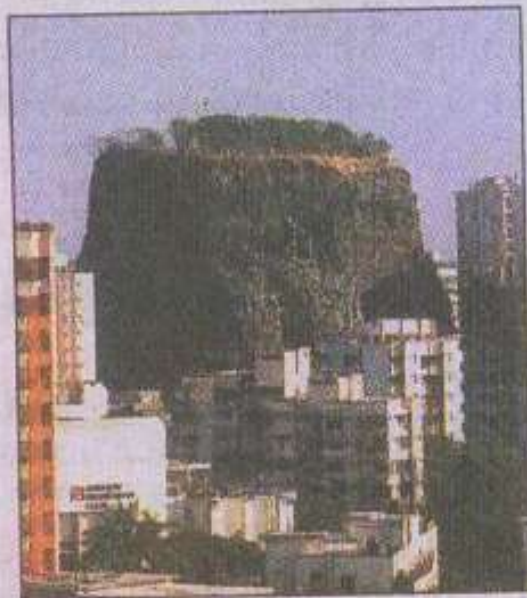
R.M. LODHA, J.

S.A. BOBDE, J.

HC appoints panel to survey Gilbert Hill

TIMES NEWS NETWORK

Mumbai: The Bombay High court on Wednesday appointed a two-member committee to survey the pre-historic Gilbert Hill in Andheri West. A division bench of Justice R



THREATENED

M Lodha and Justice S A Bobde has asked the committee to submit its report in a month's time. The panel will comprise S Y Mayeskar, principal, Sardar Patel Engineering College and Cyrus Tata, a geologist.

The court's directions came on a public interest litigation filed by a local resident on the dangers posed to the hill from the rampant construction activities in the area.

A 200-foot-high monolith column of black basalt rock, Gilbert Hill is estimated to date back nearly 65 million years to the Mesozoic era. Created by molten lava, the hill is considered to be a rare geological phenomenon and similar to such formations in other parts of the world including the Devils Tower in Wyoming and the Devils Post Pile National Monument in eastern California, USA.

Initially, the HC had asked IIT to conduct a survey. But with no response forthcoming from the institute, the court sought expert opinion from NEERI and the Geological Survey India. On Wednesday, additional solicitor general B A Desai informed the court that no experts were available from these organisations either.

