

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.904 OF 2005

Ehsanaul Haque A. Nadvi .. Petitioner

Vs.

Union of India & Ors. .. Respondents

WITH

PUBLIC INTEREST LITIGATION NO.123 OF 2006

Gavadevi Durga Devasthan Trust ... Petitioners

Vs.

Union of India & Ors. .. Respondents

Mr.Akhilesh Upadhyay for the petitioner in Writ  
Petition No.904 of 2005

Mr.Z.A.Zariwala i/b M/s.Thakore Jariwala &  
Associates for the respondent nos.8 in Writ  
Petition No.904 of 2005

Mr.Sanjay Jain i/b M/s.A.V.Jain & Associates for  
the respondent nos.8 in P.I.L. No.123 of 2006

Mr.R.B.Raghuwanshi, Addl. Solicitor General with  
Ms.Bharati Maham for the respondent/Union of India

Mr.P.J.Jadhav, A.G.P. for the respondent / State

Ms.Shobha Ajeet Kumar for the respondent / B.M.C.

CORAM : J.N.PATEL &  
SMT.NISHITA MHATRE, JJ.

DATED : 9TH JANUARY, 2008

P.C.:

1. The learned A.G.P. on seeking instructions from Mr.A.G.Girkar, Under Secretary, Urban Development Department makes a statement that the State Government could take a decision on the proposal submitted by the B.M.C. in respect of declaring Gilbert Hill, situated at K-Ward, Andheri (West) in Heritage Grade-II as per the Notification issued by the Corporation on 29.06.2007 and published on 03.07.2007.

2. Stand over to 4 weeks.

( J.N. PATEL, J )

( SMT.NISHITA MHATRE, J )



# Gilbert Hill faces the axe

DNA Correspondent

Gilbert Hill, an outcrop of the hillocks at Andheri (west), was thickly wooded and had a green canopy. Today, this natural wonder is fighting for survival.

The 'Shree Gaondevi Durga Deosthan Trust', which manages the Durga temple atop the hill, has alleged that a private builder sought to cut a portion of the hill. The hill, they alleged, was obstructing the construction of a public road. However, a spokesperson for Jay Jay Construction, the builder, said, "There is no construction next to the hill. We are not planning any road there."

For the trust, the threat could not be more real.

First, the quarry companies tried to control the hill. By the time the state banned quarrying, haphazard construction activities such as slum redevelopment and multi-storey buildings had begun. A visit to the hill showed construction work was on.

Jay Jay Constructions had recently built houses close to the hillock and a compound wall touching its base. Barely 12 metres away, a slum redevelopment scheme was underway on the other side. Temple trustee Rajaram Gadekar said, "Construction of the



Gilbert Hill, which is being cut to facilitate constructions

wall scared us. Repeated inquiries revealed plans to build a road after demolishing a portion of the hill." Documents with the trust show that the 'Parks and Gardens Advisory Committee' had declared the hill as a national park in 1952. It had even passed an order to erect a boundary wall around it. Worried of a threat to the monument, the trust even had an independent survey conducted by Sardar Patel College of Engineering. The survey revealed deep excavations near the rock's base, which

could result in instability.

## Quote Unquote

• **SS Zende, suburban district collector:** The development work near the Hill is the responsibility of municipal authority and the slum redevelopment authority.

• **Debasish Chakravarty, chief executive officer, SRA:** No SRA scheme has been permitted within 500 to 700 ft of the hillock. Also, though a one window system, the SRA does not grant construction per-

mission without getting remarks on the proposal from the civic body and the collector. I am not aware of whether the hillock has been declared a national park. But there is a court order which prevents construction near the hill.

• **Spokesperson for Jay Jay Constructions:** There is no construction next to the hill. We are not planning any road next to the hill. It is a privilege to have our work near the wonderful monument is located. We have taken all precautions during construction.



# Heritage list gets longer

## New Entrants Include Parsi Baugs, Structures In Suburbs

Anjali Joseph | TNN

**Mumbai:** In what could be a turning point for heritage conservation in the city, the proposed new heritage listing has broadened the scope of what might be termed Mumbai's heritage. Entries on the new list span the eastern and western suburbs as well as the island city.

Open spaces including Shivaji Park, Marine Drive and Chowpatty are included, as are Mumbai's forts at Sewri, Worli and Mahim. Hindu and Buddhist caves at Kanheri, Mandapeshwar, Jogeshwar also come into the new list and so do some of the chawls and Parsi baugs (colonies) that came up in the first half of the last century. The list proposes to add around 1,100 structures and open spaces to the 1995 list, and is the result of five years of work by six groups of architects and planners.

Unusual structures including the natural column of black basalt at Gilbert Hill, Wadala, thought to be around six million years old, have also been added. Gilbert Hill is a proposed Grade I in the new list, which would mean no development could be carried out there without prior permission being obtained from the heritage committee. A 17th-century Portuguese footbridge in Dahisar is also listed.

But sources involved in the process say the list, which will now be scrutinised by a panel which includes MMRDA commissioner T Chandrashekhar and BMC commissioner Johny Joseph, may be whittled down before being notified. "This could be considered an ideal list, but it's likely that in the wrangling over what stays and what goes, a good percentage of the current recommendations will be either downgraded or removed," said one of the architects involved. Af-



**RARE JEWELS:** The Kanheri Caves (top) and the Gilbert Hill at Andheri may also make it to the list



ter being approved by MMRDA, final approval for the list rests with the civic chief.

Heritage experts warn the new list shouldn't be allowed to moulder on the shelves of the state government's Urban Development department as earlier recommendations and guidelines have done. While the BMC and state occasionally allocate money to restore specific buildings, officials have in the past sided with 'pro-development' lobbies and resisted implementing regulations to protect Mumbai's heritage spaces and structures.

"Since 2003 the heritage committee has recommended several additions for notification by the Urban Development department. These include guidelines for Marine Drive, Cuffe Parade, Khodadad Circle, Cumballa Hill precinct, Matharpakhadi and Kho-tachiwadi precincts, Mahalaxmi precinct, Opera House precinct and others. The textile mill list was sent to the BMC earlier this year with a second list of 425 structures still pending notification, but the BMC and UD department have just sat on every proposal," said a member of the heritage committee.

As well as the remains of Mumbai's mill heritage, the new list includes other industrial architecture, for example, in the docks. Instances of chawls and group housing societies (Parsi baugs and Hindu colonies) that shaped the city's development at the turn of the nineteenth and twentieth centuries are also featured.

New grade I structures include the Royal Opera House (previously listed as Grade IIA) as well as the forts at Sewri, Mahim and Worli.

A significant number of

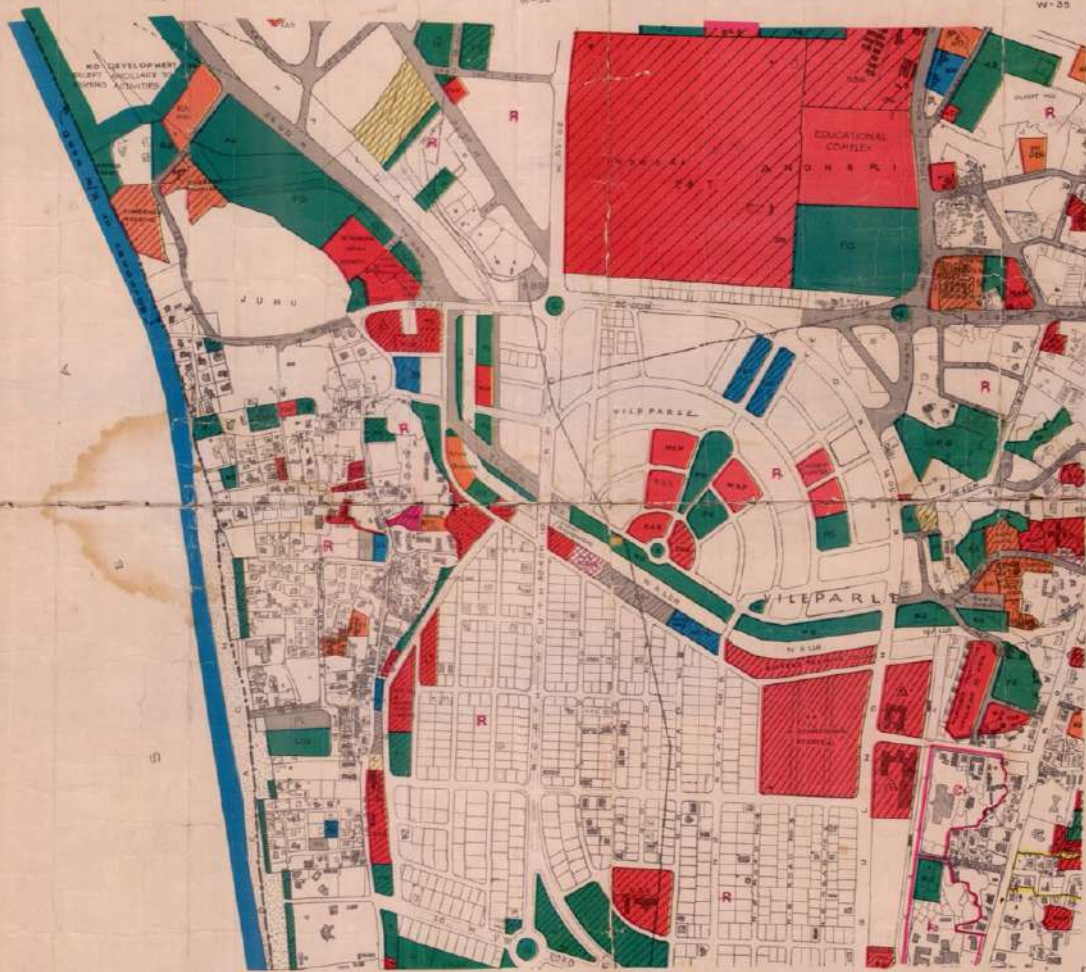
open spaces has been added. These include Marine Drive sea front, the Girgaum Chowpatty beach, the Sunni, Bohra, Catholic and Jewish cemeteries at Worli; the grounds of the Islam, Hindu, Wilson College, Grant Medical College and Police Gymkhanas at Chowpatty, Shivaji Park in Dadar; the cemetery of St Michael's church in Mahim, the Mahatma Gandhi maidan at Worli and the Ismail Yusuf College campus at Jogeshwari.

Among places of worship, Mahim dargah is listed as grade I, with the complex surrounding it as grade II-A. Several suburban agiaris and churches also make the grade.

The structures featured in the 1995 list have also been reviewed. This means that several structures are upgraded from Grade III to Grade IIA or B: these include Wilson College (now grade IIA) and the Mahakali temple in the Mahalaxmi temple precinct.

Many private residences have been added in order to protect a now threatened part of Mumbai's history. Some were already on the list, like the Birla house on Malabar Hill where Gandhi often stayed.





LEGEND

1. MUNICIPAL MARKET BUSES
2. PRIVATE MARKET BUSES
3. THROUGH BUSES
4. TRUCKS
5. MUNICIPAL HOSPITAL
6. GOVERNMENT HOSPITAL
7. HOSPITAL
8. HOSPITAL/PRIVATE BATTERY HOME
9. HOSPITAL/PRIVATE BATTERY HOME
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MUNICIPAL CORPORATION OF GREATER BOMBAY  
SANCTIONED DEVELOPMENT PLAN FOR 1981-2001

CHIEF ENGINEER  
DEVELOPMENT PLAN  
DIRECTOR  
(C. & E.)  
MUNICIPAL CORPORATION  
(FOR GREATER BOMBAY)  
SECRETARY, DEPT. OF MUNICIPALITY  
(FOR GREATER BOMBAY)

SANCTIONED TIDE GATE (URBAN DEVELOPMENT) NOTIFICATION NUMBER  
S/N - 1987/1988/1989/20 ST - 202 S.E. 19.12.1987  
S/N. 22.1.1988  
S/N. 21.1.1988

N  
K West Ward  
SCALE  
1:1000

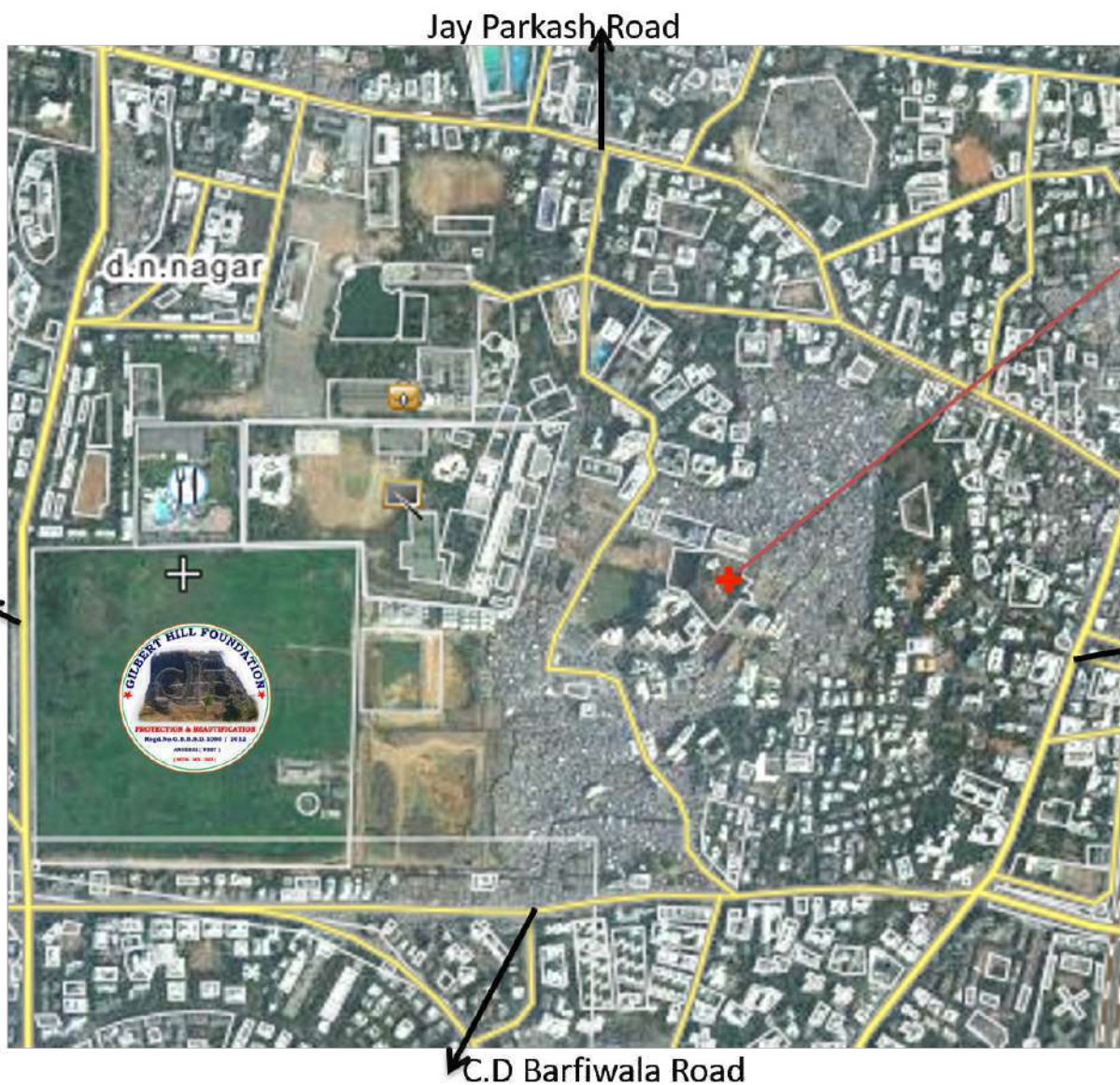






**NATIONAL MONUMENT WORLD HERITAGE GRADE II**

**Gilbert Hill A Black Basalt Rock**  
Andheri west k/ward S.V Road



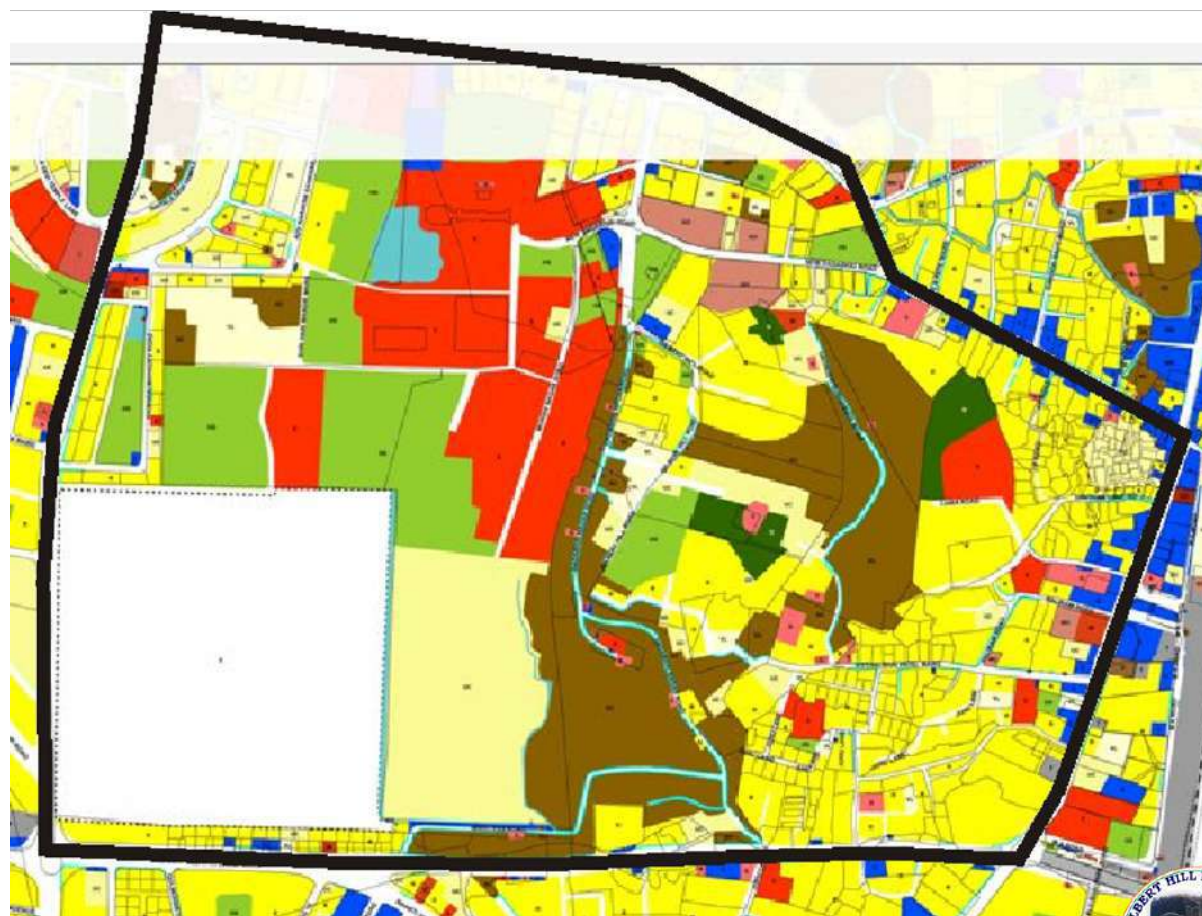
Jay Parkash Road

d.n.nagar

D.N. Nagar Road

C.D Barfiwala Road

# CURRENT 2014 DEVELOPMENT PLAN OF MCGM



## LAND USE CLASSIFICATIONS

- R** Residential
- BC** Slum / Cluster
- RU** Urban Villages
- MA** Medical Amenities
- CE** Cemetery
- S** Social Amenities
- LO** Law and Order
- I** Industrial Use
- E** Educational Amenities
- CA** Commercial Activities
- IM** Informal Market
- MM** Municipal Market
- OS** Open Spaces
- NA** Natural Areas
- WS** Water Bodies
- SP** Swimming Pool
- OO** Other Offices
- MO** Municipal Office
- GO** Government Office
- MC** Municipal Chowkies
- OC** Town Duty / Octori Office
- U** Public Utility and Facility
- P** Primary Activity
- T** Transport
- CO** Communication
- VL** Vacant
- UC** Under Construction
- U** Unclassified

## OTHER CLASSIFICATIONS

- Property
- Area Under SPA
- Railway Station
- Railway Track
- Bridge
- Flyover
- Ward Boundary



This is a computer-generated map and the MCGM does not warrant the accuracy of the data. The map is for reference only and should not be used for any legal purpose. The map is the property of the Gilbert Hill Foundation and its use is restricted to the purpose for which it was prepared.



## IN FUTURE PLAN SECTOR

