

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 904 OF 2005

Ehsanul Haque A. Nadvi

...Petitioner

Versus

Union of India and others

...Respondents

Mr. Akhilesh Upadhyay for the petitioner.

Mr. B.A. Desai, Additional Solicitor General, with Ms. Naveena Kumari,
for respondent No.1.

Mr. Abhijeet Wagh, instructed by Uttangale & Co., for respondent No.3.

Mrs. Shobha Ajitkumar for respondent No.6.

Mr. Thakore Jariwala for respondent No. 9.

WITH

WRIT PETITION NO. 123 OF 2006

Gavdevi Durga Devasthan Trust

... Petitioners

Versus

The Union of India and others

.... Respondents

Mr. Rajan Jaykar, instructed by Mr. S.S. Salunke, for the petitioners.

Mr. B.A. Desai, Additional Solicitor General, with Ms. Naveena Kumari,
for respondent No.1.

Ms. Bharti Mahant for respondent No.3.

Mrs. Shobha Ajitkumar for respondent No.4.

Mr. Thakore Jariwala for respondent No. 7.

Mr. Anirudh Joshi with Mr. Deepak Poonamiya, instructed by A.V. Jain Associates, for respondent No.8.

CORAM: **H.L. GOKHALE, Ag. C.J., &**
V.M. KANADE, J.

DATE: **FEBRUARY 14, 2007.**

P.C.

On the last date of hearing, we had asked the Slum Rehabilitation Authority ("SRA") as to what is the exact distance between the SRA project and the hills. SRA has not filed an affidavit till date. Mr. Wagh, holding for Mr. Uttangale, seeks further time. The Municipal Corporation was also to inform the Court as to what are the rules regarding the construction around such hills. Ms. Shobha Ajitkumar informs on behalf of the Corporation that there are no such specific rules.

2. A report is received from the Engineers appointed who informed the Court about the strength of the hill. All parties may obtain copies of the report at their own expenses. Matter to stand over to 14th March, 2007, by which date a reply ought to be filed by SRA and the petitioners may file their rejoinder on receiving the reply.

2. As far as Petition No. 123 of 2006 is concerned, necessary amendment be carried out within one week and copies be supplied to

Mr. Joshi, appearing for respondent No.8, who may file his reply to the petition. The Engineers, who have submitted the report, have also furnished their bills for the professional services rendered. It comes to about Rs. 5 lakhs. Mr. Joshi and Mr. Jariwala are agreeable that their clients will bear Rs.2,50,000/- each. The said amount would be deposited by the next date of hearing. The deposit will be subject to the orders to be passed finally in these matters.

ACTING CHIEF JUSTICE

V.M. KANADE, J.