

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/WRIT PETITION (PIL)
SUO MOTU COGNIZANCE**

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CORAM: HONOURABLE MR. JUSTICE BIREN VAISHNAV
and
HONOURABLE MR. JUSTICE DEVAN M DESAI

Date : 26/05/2024

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BIREN VAISHNAV)

1. We have assembled today pursuant to an unfortunate tragedy having occurred in the city of Rajkot. Various articles have appeared in the newspapers, local as well as national, which indicate that innocent children have lost their lives while visiting a gaming zone in Rajkot. As of now, figures vary as some newspapers report 27 whereas the Ahmedabad Mirror reports that 40 lives have been lost.

2. We are shocked to read a newspaper report which indicates that the gaming zone at Rajkot appears to have taken advantage of the loopholes in the Gujarat Comprehensive General Development Control Regulations

(CGDCR) to pave its way for creating illegal recreational activities. These entertainment zones, as the newspaper suggests, have come up without necessary approvals from the competent authorities. Certain Gujarati newspapers also suggest that in order to overcome the technicalities/rigmarole in taking permissions, temporary structures have been created which are apparently tin-shades. Apart from the city of Rajkot, from the newspaper articles, we take judicial notice of the fact that such gaming zones have come up in the City of Ahmedabad, from Sindhu Bhavan Road to S.G. Highway and S.P. Ring Road which pose significant threat to public safety, especially the innocent children.

3. Apart from having constructed such gaming zones and public recreational facilities, they have been put to use apparently, according to our information, through the newspaper reports, without permission. Prima-facie, a man-made disaster has occurred where many lives have been lost and families have grieved today for the loss of lives in their respective families. Some newspapers also suggest that at the Rajkot Gaming Zone, there was stock of highly inflammable materials such as fuel and tyres, fiber glass shades etc. We

have therefore based on these newspapers taken up suo motu cognizance of the issue and we accordingly direct the Registry based upon these articles to take up the case Suo Motu Public Interest Litigation.

4. The Registry is therefore directed to register the case as Suo Motu Public Interest Litigation. Mr. Brijesh Trivedi, as the President of Bar Association has appeared before this court through Video Conferencing. He is requested to serve a copy of this order to the panel advocates of the Ahmedabad, Baroda, Surat and Rajkot Municipal Corporations and the Additional Advocate General of the State of Gujarat. We list this suo motu petition for further hearing tomorrow wherein the panel advocates for the respective Corporations shall appear before us with instruction as to under what provisions of law these Corporations let these gaming zones, recreational facilities be set up or continued and be put to use. As newspaper reports have suggested that these zones have exploited the loopholes in the CGDCR, the State as well as the respective Corporations shall point out to us as in what manner and whether such license, including the license to use and compliance of fire safety regulations were undertaken by

these gaming zones that are in the territorial jurisdiction of these Corporations.

5. Since the Bench has assembled to register the above incidence as a PIL for the reasons aforesaid, Mr. Amit Panchal, learned advocate appearing with Mr. Angesh Panchal, learned advocate has filed a Note before us requesting for urgent circulation of a Civil Application in Writ Petition PIL No.118 of 2020, which is pending and deals with the very issue of fire safety. An advance copy of Civil Application has been served on the counsels appearing for the parties in the main PIL. The Registry is directed to circulate this Civil Application along with the suo motu petition and list the same tomorrow before an appropriate Bench. The Registry shall supply a copy of the suo motu petition registered today to the learned advocate Mr. Brijesh Trivedi so that copies can be transmitted to the respective panel advocates of the Corporation as well as State which we have mentioned in the earlier part of this order. The respondents in the Civil Application shall also take appropriate instructions on the lines as we have suggested in the suo motu petition and the prayers prayed for therein. Stand over to 27th May,

2024.

6. Registry to register the PIL as suo motu today during the course of the day together with the newspaper articles and list the same tomorrow with Civil Application in Writ Petition (PIL) No. 118 of 2020.

(BIREN VAISHNAV, J)

(DEVAN M DESAI, J)