

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 34 of 2024****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 4 of 2024****In R/WRIT PETITION (PIL) NO. 34 of 2024****With****R/SPECIAL CIVIL APPLICATION NO. 14157 of 2020****With****CIVIL APPLICATION (MODIFICATION OF ORDER) NO. 1 of 2024****In R/SPECIAL CIVIL APPLICATION NO. 14157 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 9506 of 2021****With****R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2020****In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2022****In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (DIRECTION) NO. 1 of 2024****In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (FOR DIRECTION) NO. 2 of 2022****In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (FOR DIRECTION) NO. 5 of 2021****In R/WRIT PETITION (PIL) NO. 118 of 2020**

=====

SUO MOTU**Versus****STATE OF GUJARAT & ORS.**

=====

Appearance (WPPIL No. 34 of 2024):

LAW OFFICER BRANCH(420) for the Applicant(s) No. 1

MR DM DEVNANI(5880) for the Applicant(s) No. 1 as Amicus Curiae

MR. KAMAL TRIVEDI, SENIOR COUNSEL WITH MR. VINAY BAIRAGRA, AGP for the Opponent(s) No. 1,10,2,3,8,9

MR. KAMAL TRIVEDI, AG WITH MR. G H VIRK(7392) FOR the Opponent(s) No. 11,12,13,4,5,7

MR HS MUNSHAW(495) for the Opponent(s) No. 15,16

MR KAUSHAL D PANDYA(2905) for the Opponent(s) No. 14,17,18,6

Appearance (WPPIL No. 118 of 2020):-

MR. AMIT PANCHAL, PARTY-IN-PERSON WITH MR. ANGESH A. PANCHAL, ADV. FOR THE PETITIONER
 MR. KAMAL TRIVEDI, AG WITH MR. VINAY BAIRAGRA, AGP FOR the Respondent (s) No. 1&2
 MR. KAMAL TRIVEDI, SR. ADV. WITH G H VIRK(7392) for the Respondent(s) No.3
 MR HS MUNSHAW(495) for the Respondent No. 5,6,8,9,10
 MR KAUSHAL D PANDYA(2905) for the Resoibdent Nos. 7 and 11
 =====

**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
 SUNITA AGARWAL
 and
 HONOURABLE MR.JUSTICE D.N.RAY**

Date : 14/11/2025

**ORAL ORDER
 (PER : HONOURABLE THE CHIEF JUSTICE
 MRS. JUSTICE SUNITA AGARWAL)**

1. Perused the affidavit dated 17.07.2025 of the Deputy Secretary, Urban Development and Urban Housing Department, Government of Gujarat which refers to the notification dated 03.10.2020 issued by the State Government under the first proviso to Section 3 (1) of the Gujarat Fire Prevention and Life Safety Measures Act, 2013 (for short, "the Act' 2013"). By means of the said notification, it is provided that all Municipalities and Municipal corporations shall not form part of the State Fire Service.

2. Resultantly, as per the structure of Fire and Emergency Services of the Municipal Corporation and the Municipalities of the State, the Municipal Commissioner and the Regional Commissioner of Municipalities; respectively are at the helm of the affairs. Whereas, the Director, Gujarat Fire Prevention

Services, as per the structure of fire services under the Act of 2013 exercises such power and perform such duties as conferred and assigned under the said Act. The Directorate comprises of Director, Deputy Director (Tech) and two Assistant Directors, a Chief Executive (Principal, Gujarat State Fire Academy) and Regional Fire Officer for administrative purposes.

3. It is pertinent to note that Chapter XVII under the Gujarat Provincial Municipal Corporation Act' 1949, pertains to maintenance of Municipal Fire Brigade. Section 285 to Section 289 contained in Chapter XVII only provide for creation of Municipal Fire Brigade with necessary equipments and that a report of every fire, which occurs in the city shall have to be submitted to the Commissioner, who is authorized to make such further inquiry as he may deem necessary and furnish a weekly return of all fires which occur in the city to the Standing committee.

4. We may note that the Fire Prevention and Life Safety Measures Act' 2013 has been enacted with the aims and object to make efficient provisions for the fire prevention, safety and protection of life and property in various types of building and temporary structures, in different areas in the State of Gujarat and for matters connected therewith or incidental thereto. This Act contains comprehensive provisions pertaining to requisition, compensation for fire equipment, training to fire personnel, provisions relating to fire prevention and life safety measures, provisions for temporary structures, licenced agency, levy of fire fee and

other charges in Chapter III to Chapter VIII, besides the structure of the organization, superintendence, control and maintenance of fire service (one state fire service). This Act conceptualized "One state fire service for the whole of State" with the structure of officers and subordinate ranks of the fire service. The first proviso to Section 3 (1), however, confers power upon the State Government to declare by notification in the official Gazette that any fire brigade or any other local fire service of any local authority of the state, by whatever name called, shall not form the part of State Fire Service, at any time. The superintendence and control over the fire service as per Section 4 of the Act' 2013 rest in the State Government.

5. Under the Scheme of the Act' 2013, the responsibilities are imposed upon the Director to regulate all matters of fire fighting equipment, machinery and appliances, training, fulfilment of duties and maintenance of discipline of fire officers and members of fire service under him, etc. The provisions related to fire prevention and life safety measures contained in Chapter V of the Act' 2013 also confer responsibility upon the owner or occupiers of a building classified by regulations or part thereof, to provide for fire prevention and life safety measures and the actions to be taken by the concerned authority for non-compliance thereof. The remedy of appeal is provided under the Act for any action taken by the Regional Officer or the Chief Fire Officer.

6. On a comparison of the provisions contained in the Gujarat Provincial Municipal Corporation Act' 1949 and the Gujarat Fire Prevention and Life Safety Measures Act' 2013, it

seems that with the notification issued by the State Government under the first proviso to Section 3 (1) of the Act' 2013, the Director, Fire Service appointed under Section 6 shall not be responsible, directly or indirectly, to regulate the matters pertaining to Municipal Fire Brigade and the Municipal Commissioner shall be responsible.

7. Section 33 of the Act' 2013 provides for remedy of appeal before the Director against an order passed by the Regional Officer or Chief Fire Officer. And the proviso to Section 33 states that in case of local fire service of any local authority, the Commissioner shall be the appellate authority insofar as the area comprising of the Municipal Corporation is concerned.

8. However, there is no clarity as to the applicability of the provisions contained in Chapter III to Chapter VIII of the Act' 2013 and the rules framed thereunder in the case of local fire service of any local authority, namely Municipal Corporation and the Municipalities, whose Fire and Emergency Services (Fire Brigade) are under the direct supervision of the Municipal Commissioner and the Regional Commissioner of Municipalities; respectively.

9. On a query made by the Court as to the applicability of the Act' 2013 and the rules made thereunder in the matter of manpower, equipment, training, awareness and quick response system, the learned Advocate General prays for some time to complete his instructions so as to make his submissions.

10. We, therefore, post the matter on **19.12.2025** at **12:30 PM** to bring the affidavit of an officer from the office of the Principal Secretary, Urban Development and Urban Housing Department, Government of Gujarat to answer the above queries.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

SAHIL S. RANGER