

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**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. 2 of 2020
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****With****R/SPECIAL CIVIL APPLICATION NO. 9506 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 14157 of 2020**

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AMIT MANILAL PANCHAL**Versus****STATE OF GUJARAT**

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Appearance:**PARTY IN PERSON(5000) for the Applicant(s) No. 1****for the Opponent(s) No. 1,12,13,14,15,2****MR DHAVAL G NANAVATI(2578) for the Opponent(s) No. 11,7****MR HS MUNSHAW(495) for the Opponent(s) No. 10,5,6,8,9****MR SATYAM Y CHHAYA(3242) for the Opponent(s) No. 3****NOTICE SERVED(4) for the Opponent(s) No. 4**

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CORAM: HONOURABLE MS. JUSTICE BELA M. TRIVEDI**and****HONOURABLE MR. JUSTICE BHARGAV D. KARIA****Date : 09/07/2021****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)**

1. Heard Mr. Amit Manilal Panchal party-in person,
 learned advocate Mr. Vivek Bhamare, learned
 advocate Mr. Dilipukmar Prajapati, learned
 advocate Mr. G.M. Amin, learned Senior Advocate
 Mr. R.R. Marshal for learned advocate Mr.

Siddharth R. Shah for the respective petitioners/applicants and learned Advocate General Mr. Kamal Trivedi appearing with learned Government Pleader Ms. Manisha Luvkumar Shah assisted by learned Assistant Government Pleader Mr. Sahil B. Trivedi for the respondent-State, learned Senior Advocate Mr. Mihir Joshi assisted by learned advocate Mr. Satyam Chhaya for the Ahmedabad Municipal Corporation, learned advocate Mr. H.S. Munshaw appearing for the respective Corporations, learned advocate Mr. Dhaval Nanavati appearing for Surat Municipal Corporation and Bhavnagar Municipal Corporation, learned advocate Mr. Mehul Sharad Shah appearing for Bharuch Nagar Palika, learned advocate Mr. Vijay P. Desai for the respective respondent and learned Senior Advocate Mr. Percy Kavina assisted by learned advocate Mr. Jinesh Kapadia appearing for respondent nos. 13 and 14 in Civil Application No. 5 of 2021 through video conference.

2. The respondent-State Government has filed affidavit providing the details of Fire NOC issued to various categories of buildings after passing of the order dated 11th June, 2021. It is further stated that the issue of grant of Building Use Permission is under active consideration of the State Government.

3. Mr. Amit Manilal Panchal, party-in-person

submitted that the affidavit filed on behalf of the State Government does not disclose the Action Taken Report with regard to issue of Fire NOC in the buildings where valid Building Use Permission is available nor does it disclose the policy and plan of action with time schedule to address the issue of Building Use Permission in the State of Gujarat as directed in the order dated 11th June, 2021 passed by this Court.

4. Mr. Panchal submitted that Fire NOC is given to very few buildings as compared to number of buildings which are not having the fire safety measures as disclosed by the State in the earlier affidavit.

5. Mr. Panchal pointed out that in the affidavit filed on 11th June, 2021 the position of the buildings having no Fire NOC in hospitals, schools and high rise buildings as on 1.4.2021 is disclosed as against which in the last four weeks, the Fire NOC is given only to the following buildings :

Hospitals	377
Schools	254
High Rise Buildings	149
All Assembly Buildings	21
Total	801

6. Mr. Panchal also referred to the order passed by

the Supreme Court dated 11.06.2021 in Special Leave to Appeal No.7546/2021 whereby it is ordered that no coercive action shall be taken on account of lack of Building Use Certificate and the No Objection Certificate from the Fire department in the State of Gujarat due to the pandemic situation.

7.The Learned Advocate General Mr. Kamal Trivedi submitted that the State Government is taking all the required steps for fire prevention and life safety including the enactment of Gujarat Fire Prevention and Life Safety Measures Act, 2013 and sincere attempts to implement the same are being made. Learned Advocate General Mr. Trivedi further submitted that the issue of Building Use Permission and regularising the buildings where permission is not taken is a very complex issue and the same is under active consideration of the State Government.

8.It was submitted that insofar as the buildings located within the area of Municipalities, there is no substantial progress in the issuance of Fire NOC in such areas due to practical difficulties including lack of resources in the respective towns. The respondent-State has requested the Municipal Commissioners to extend their support in all manner possible to the nearby Municipalities and vide order dated 5th June, 2021 and circular dated 1st July, 2021 all

Sub-Fire Officers of the respective Municipalities and officers have been entrusted with the power of issuance of Fire NOC with respect to the buildings situated within their jurisdiction. It was therefore, submitted that the issuance of Fire NOC shall be expedited despite many bottlenecks arising due to pandemic of Covid-19.

9. Considering the above submissions, further time of four weeks is granted to the respondent-State to comply with the directions issued in paragraph no. 8 of the order dated 11th June, 2021 which read as under:

"8. In view of the above submissions, time of four weeks is granted to the respondents to place on record the Action Taken Report with regard to issue of Fire NOC in the Buildings where valid Building Use Permission is available and to work out a policy and plan of action with time schedule to address the issue of Building Use Permission in the State of Gujarat."

Order in Civil Application(For Direction) No. 5/2021 :

Learned Senior Advocate Mr. Percy Kavina has referred to the affidavit filed on behalf of the nodal officer of the respondent-trust and submitted that the two persons who had come for inspection on 30th April, 2021 did not inspect the new building where Covid facility was in existence. It was further

submitted that the Commission of Inquiry appointed by the State Government is conducting the inquiry and the fact with regard to inspection carried on by the fire department of Nagarpalika on 30.4.2021 is also under consideration of the Commission.

Let all the matters be listed for hearing on **13th August, 2021.**

(BELA M. TRIVEDI, J)

(BHARGAV D. KARIA, J)

RAGHUNATH R NAIR