

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 (DIRECTION) NO. 1 of 2021
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 JOINING PARTY) NO. 2 of 2021
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. 12,13,14,15
MR KAMAL TRIVEDI, Ld. ADVOCATE GENERAL with MRS MANISHA
LAVKUMAR SHAH, Ld. GOVERNMENT PLEADER(1) with MR VINAY
BAIRAGRA, ASSISTANT GOVERNMENT PLEADER for the Opponent(s) No.
1,2
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 THE CHIEF JUSTICE MR. JUSTICE
ARAVIND KUMAR
and
HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK

Date : 18/11/2021

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MR. JUSTICE ARAVIND KUMAR)

1. We have heard learned Counsel for the appellant appearing as party-in-person and learned Advocate General assisted by the learned Government Pleader.
2. Learned Counsel appearing for the petitioner has appended the orders dated 17.08.2020, 15.12.2020 and 26.02.2021 and has submitted that same has not been complied in its entirety by the State and partially it has been complied. However, as to the actual non-compliance of these orders, the details are not forthcoming. Hence, we hereby direct the petitioner to place on record by way of a Statement in a Tabular Form pointing out as to which of the directions issued on 17.08.2020, 15.12.2020 and 26.02.2021 has not been complied as on date as also the directions issued by the Co-ordinate Bench in **AIR 2002 Guj Page 59**, disposed of on 02.07.2001 as also the directions issued by the Apex Court in **(2009) 6 SCC 398** (Paragraphs 47 and 48).
3. The learned Advocate General having regard to the Affidavits dated 26.10.2021 filed before this Court as well as the Affidavit dated 23.10.2021 filed before the Hon'ble Apex Court in Writ Petition (Civil) No.7/2021 would

contend that the State in its discharge of constitutional mandate as well as statutory obligations has taken all reasonable steps as expected of the Welfare State in enforcing the enactments in general and particularly, the Gujarat Fire Prevention and Life Safety Measures Act, 2013 and has drawn attention of this Court to the Annexure R-2 appended to the Affidavit dated 23.10.2021 filed before the Apex Court to buttress his arguments that there has been considerable and marked improvement in taking up pro-active steps for ensuring that the buildings which were non-compliance of respective enactments would fall within the rigour of law.

4. The State is directed to place on record by way of a Chart stating as to how these issues would be tackled in a phased manner by specifying the short term and long term plan proposed or envisaged so as to ensure that sufficient safeguards are taken to prevent any untoward incident where precious life of the citizens are not lost on account of any laxity of enforcing the existing enactments by the enforcing agencies.
5. Both petitioner and State shall place on record the aforesaid affidavit by the next date of hearing and it is made clear that except by way of reply arguments, no further arguments would be entertained since substantial arguments have already been canvassed.

6. Re-list on NOVEMBER 29, 2021.

Sd/-
(ARAVIND KUMAR,CJ)

Sd/-
(HEMANT M. PRACHCHAK,J)

CAROLINE