

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/WRIT PETITION (PIL) NO. 154 of 2020

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 MIHIR JOSHI, SENIOR ADVOCATE WITH MR SATYAM Y

CHHAYA(3242) for the Opponent(s) No. 3

NOTICE SERVED(4) for the Opponent(s) No. 4

MR KAMAL TRIVEDI , ADVOCATE GENERAL WITH MS MANISHA

LUVKUMAR SHAH, GOVERNMENT PLEADER WITH MR SAHIL B.

TRIVEDI, ASSISTANT GOVERNMENT PLEADER FOR RESPONDENT

NO. : 1

MR PERCY KAVINA, SENIOR ADVOCATE WITH MR JINESH KAPADIA

FOR RESPONDENTS NO. 13 and 14 IN CA NO. 5 OF 2021

**MR MEHUL SHARAD SHAH FOR RESPONDENT NO 12 IN CA NO. 5 OF
2021**

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CORAM: HONOURABLE MS. JUSTICE BELA M. TRIVEDI

and

HONOURABLE MR. JUSTICE BHARGAV D. KARIA

Date : 11/06/2021

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)

Order in R/Writ Petition (PIL) No. 118 of 2020 :

1. Heard Mr. Amit Manilal Panchal party-in person, 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 Jamnagar Corporation, Vadodara Municipal Corporation, Junagadh Municipal Corporation and Gandhinagar Municipal Corporation, 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 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. Pursuant to the order dated 1st June, 2021, the respondents-Municipal Corporations have filed

additional affidavits giving details of hospitals, schools and other special buildings which are not having Fire NOC as on 1st June, 2021. Six Regional Commissioners of Municipalities have also filed additional affidavits giving similar details as per the directions given in the aforesaid order.

3. Mr. Amit Manilal Panchal, party-in-person, has also filed an affidavit along with chart showing the details of information not provided by the respondents-corporations and Nagarpalika. Mr. Panchal pointed out that in the affidavit filed by the respondent-State on 26th May, 2021 at page no. 1903, reference is made to the notification dated 22nd January, 2021 to point out that factory buildings having height less than 15 meters are not required to obtain Fire NOC. He referred the said notification at page no. 784 and referred to the page no. 69 of the National Building Code to point out that there is no provision of not having Fire NOC for factory building less than 15 meters provided under the National Building Code.

4. Learned Advocate General Mr. Kamal Trivedi submitted that the details required as per order dated 1st June, 2021 are already provided. It was submitted that the State Government and various Nagarpalikas are contemplating to resolve the issue of Fire NOC at the earliest

more particularly, in hospitals, schools, high rise buildings and special buildings.

5. Learned Advocate General Mr. Kamal Trivedi further submitted that it would not be possible for the State to resolve the issues of Fire NOC and Building Use Permission simultaneously. It was therefore, prayed that some time may be granted to the State to work out the policy to address the issue of Building Use Permission.

6. Learned Senior Advocate Mr. Mihir Joshi appearing with learned advocate Mr. Satyam Chhaya for respondent - Ahmedabad Municipal Corporation endorsed the submissions made by learned Advocate General Mr. Kamal Trivedi and further submitted that the Ahmedabad Municipal Corporation would like to first address the issue of Fire NOC where there is valid Building Use Permission available and work out to resolve the issue of Building Use Permission which is on large scale with the State Government and for that some time may be granted.

7. All other counsel have adopted the submissions of learned Senior Advocate Mr. Mihir Joshi.

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 of 2021 :

In compliance of order dated 1st June 2021, two firemen namely Shri Alpesh R. Mistry and Shri Parshottam B. Machhi who visited the premises of respondents no. 13 and 14 have filed their affidavits giving details and photographs.

Learned Senior Advocate Mr. Percy Kavina prays for time to file the rejoinder to such affidavits.

Let all these matters be listed on 9th July, 2021.

(BELA M. TRIVEDI, J)

(BHARGAV D. KARIA, J)

RAGHUNATH R NAIR