

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.24434 of 2016

O R D E R:

Heard counsel for the petitioner, the Government Pleader for Home appearing for respondents 1 to 6, and Sri S.Laxmi Narayana Reddy, Standing counsel for 7th respondent.

2. Petitioner had filed this Writ Petition challenging the proceedings dt.04.06.2016 of the 2nd respondent declining permission to the petitioner for running a school in the subject premises on the ground that Provisional No Objection Certificate was not obtained by the petitioner and that the building was constructed without obtaining such Provisional NOC from the 2nd respondent.

3. On 05.08.2016 this Court passed the following order in W.P.MP.No.30116 of 2016:

“Having regard to the fact that the permission was obtained by the owner of the building where the petitioner is running the school for residential purpose only, the question of the owner of the building obtaining NOC from the Fire Department at that stage does not arise. Since admittedly, the Inspection Committee consisting of respondent Nos.3 to 5 has noticed that the building has already fire applying equipment, it is not open to the 2nd respondent to reject the petitioner's request for provisional NOC on the ground that at the time of construction of the building such provisional NOC was not obtained by the owner of the building. Therefore, there shall be interim suspension as prayed for.”

4. To vacate the said order, WVMP is filed by respondents 1 to 6.

5. It is not in dispute that a Multi Storeyed Building Inspection Committee appointed by the 2nd respondent has given a report on 22.05.2016 setting out specifically that the building has been completely constructed with installation of necessary fire fighting equipment.

6. In the light of the recommendation of the said committee and without finding fault with any of the fire fighting equipment installed by the petitioner or deficit thereof, it is not open to the 2nd respondent to refuse permission to the petitioner for issuance of a Provisional NOC on the ground that the person who leased the premises to the petitioner had not obtained such Provisional NOC before he started commencement of construction of the building in question. It is not in dispute that the 2nd respondent has also inspected the building in question and has not found any irregularity in the said construction.

7. The Government Pleader for Home sought to contend that certain deficiencies, with regard to staircase, pointed out in the report dt.22.05.2016 of the Multi Storeyed Building Inspection Committee have not been complied with the petitioner.

8. The said Committee has already noted that the building has necessary fire fighting equipments. Therefore the State cannot, on the basis of the grounds which are not mentioned

in the impugned order, refuse to issue Provisional NOC to the petitioner for use of the building for an educational institution.

9. Accordingly, the Writ Petition is allowed; the impugned order is set aside; the respondents are directed to issue Provisional No Objection Certificate in favour of the petitioner as per the petitioner's application dt.29.04.2016 taking into consideration the report dt.22.05.2016 of the Multi Storeyed Building Inspection Committee that fire fighting equipment is completely installed and is adequate. This exercise shall be completed within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

10. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

29th September, 2016

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