

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12188 OF 2016

Hindustan Petroleum Corporation Ltd. .. Petitioner

VS.

The State of Maharashtra and ors. .. Respondents

**WITH
WRIT PETITION NO. 11823 OF 2016**

M/s. Ambarwadikar Enterprises .. Petitioner

VS.

The Municipal Corporation, Aurangabad
and anr. .. Respondents

**AND
CIVIL APPLICATION NO. 43 OF 2017
AND
CIVIL APPLICATION NO. 44 OF 2017**

Mr. R.R. Totala, Advocate for the petitioner (WP/12188/2016)
Mr. S.S. Thombre, Advocate for the petitioner (WP/11823/2016)
Mr. J.R. Shah, Advocate for respondents 2 and 3 (WP/12188/2016)
Mr. S.B. Yawalkar, A.G.P. for the respondent/State
Mr. S.N. Sikchi, Advocate for applicants in CA/43/2017 & CA/44/2017

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.
DATE : 12-06-2017**

ORAL ORDER :

1. This Court has recorded statement of the petitioners' Advocate that he would make fresh application. The order to that effect is dated 04/05/2017 and it reads under :-

“ Mr. Thombre, the learned counsel submits that, after the matter was heard on earlier date, the petitioner has removed the part of the covered area and according to the petitioner the covered area is only 43.11 square meters.

2. Mr. Shah, the learned counsel for the Corporation submits that, in that event the petitioner has to apply afresh.

3. The petitioner may make an application as per the requirement of the Act. Upon receipt of the application, the Corporation shall make an inspection of the site within seven days and take decision afresh on it.

4. Place the matters on 12.06.2017. “

2. This Court can not dispense with requirements much less those prescribed by the Schedule to the Maharashtra Fire Prevention and Life Safety Measures Act, 2006.

3. That Act has been enacted not just to prevent fire but also enable life safety measures to be taken. For such a comprehensive legislation, to be effectively and properly implemented, competent Officials have been vested with powers to stop or prohibit any act and which contravenes the mandate of that law.

4. The petitioners' business was dispensation of hazardous substance, namely, L.P.G. gas from a petrol pump and L.P.G. gas station. That was closed down for the competent officials and in the Municipal Corporation incharge of the implementation of the Act, found that the same contravenes the law. Now, the petitioners, after inspection being carried out by the Chief Fire Officer / Incharge Chief Fire Officer, are stated to have made fresh applications so that they can take all the measures and thereafter commence their business.

5. If such applications are made and are pending, we have no doubt in our mind that the competent authorities will look into its contents and take decisions consistent with the objects and purpose of the Act. We therefore see no impediment in deciding said applications. If there is any grievance thereafter, then, it is open for the petitioners to seek redressal of the same in accordance with law.

6. In such circumstances, the Writ Petitions need not be kept pending and are disposed of.

7. Consequently, Civil Application nos. 43 of 2017 and 44 of 2017 also stand disposed of.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/