

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

PUBLIC INTEREST LITIGATION NO.63/2017

Suo Motu Action of this Hon'ble Court, at their own

...Versus...

State of Maharashtra, through its Secretary, Department of Home, Mantralaya,
Mumbai -32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.N. Shende, Advocate as amicus curiae
Shri D.P. Thakare, Addl. G.P. for respondent nos.1, 2 & 6
Shri S.M. Puranik, Advocate for respondent nos.3 and 4
Shri R.O. Chhabra, Advocate for respondent no.5

CORAM : B.P. DHARMADHIKARI AND
ARUN D. UPADHYE, JJ.

DATE : 06.09.2017

Heard for some time.

2. Grievance is in relation to buildings constructed unauthorizedly and absence of fire fightings/fire safety arrangements as per requirement of the Maharashtra Fire Prevention and Life Safety Measures Act, 2006 (for short, hereinafter referred to as "Act of 2006").

3. The cognizance has been taken on a paper report in public interest *suo motu* and Advocate Shri Shende has been appointed as *amicus*. Learned *amicus* has on the basis of material becoming available drafted the petition. Advocate Shri Chhabra for respondent no.5 and Advocate Shri Puranik for respondent nos.3 and 4 have filed their reply-affidavits.

4. Advocate Shri Puranik has also invited our attention to earlier undue intervention by officer of State Government and its elimination by this Court vide judgment dated 5/12/2015 in Public Interest Litigation No.107/2013.

5. Now, it is not in dispute that all buildings whether new or old have to show compliance with above mentioned Act of 2006.

6. Advocate Shri Puranik invited our attention to reply-affidavit to urge that action under Sections 6 and 8 of the Act of 2006 has already been initiated.

7. As no specific building or builder is a party before this Court, we are not required to go into this defence. If there is violation of the Act of 2006 building may not be safe for general public. If any untoward incident takes place, the responsibility therefor, may therefore, be fastened upon any of the respondents. It is obvious that few such structures may have been occupied without obtaining occupancy certificate or completion certificate.

8. Hence, in addition to action under Sections 6 and 8 of the Act of 2006, for such unauthorized occupation and user, the planning authority can also take necessary remedial and prohibitive steps under the Maharashtra Regional and Town Planning Act, 1966.

9. Hence, with liberty and direction to respondent – planning authorities to proceed against such structures as per law at the earliest and in any case within eight weeks from today, we dispose of public interest litigation. No costs.

We appreciate the services rendered by learned *amicus* as also other respective Advocates for expeditious disposal of this case.

Steno copy of the order is granted.

JUDGE

JUDGE

Wadkar