

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.3803 2013

ORDER:

Heard Mr.Mohan Rao for petitioners, the learned Government Pleader for Home and Mr.Satish for respondents 5 to 7.

The petitioners pray for the following relief:

“...writ of mandamus declaring the action of the respondent No.1 to 3 in failing to enforce the provisions of the AP Fire Services Act 1999 and rules framed there under against the 5th respondent as illegal, arbitrary, violation of the AP AP Fire Service Act 1999 and Rules made there under, violative of Article 14 of the Constitution of India and to direct respondent Nos.1 to 2 to take immediate steps to close the 5th respondent hospital until they comply with the provisions of the AP Fire Service Act 1999 and Rules made there under and to prosecute the respondent No.5 to 8 under section 31 of the AP Fire Services Act 1999..”

The prayer of petitioners is substantially against inaction of respondent Nos. 1 and 2 in enforcing provisions of A. P. Fire Services Act,1999 (for short 'the Act'). The counsel though have made a few submissions on merits of the issue, this Court is of the view that the writ petition was admitted in 2013, and before a decision is directed to be taken by respondents 1 to 4 either in conforming to the provisions of the Act and/or the structures in existence conform to the permission sanctioned by 4th respondent, inspection is undertaken independently by respondents 1 and 2 for the purpose of the Act, the 3rd respondent from the perspective of granting permission to run the hospital and the 4th respondent from the

perspective of whether the building conforms to sanctioned plan etc. Therefore, respondents 1 to 4 are independently directed to inspect the 5th respondent hospital for the purpose of their jurisdictional issue. If the 5th respondent is short of any compliance, time may be given to 5th respondent for due compliance within reasonable period and thereafter, if the deficiency noted by respective departments is continued, to take action in accordance with law.

The writ petition is disposed of as indicated above. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 14.11.2017
Sp



S.V.BHATT, J