

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Cont. Petition NO. 35 OF 2015

Kashinath Piraji Dege ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

**WITH
Cont. Petition NO. 36 OF 2015**

Shantaram Kanha Pawse ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

**WITH
Cont. Petition NO. 37 OF 2015**

Sundari Muttu Suwarna ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

**WITH
Cont. Petition NO. 38 OF 2015**

Shivkumar Prakashdev Shourie ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

**WITH
Cont. Petition NO. 43 OF 2015**

Devdas S. Shetty ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 44 OF 2015

Sindhu Tukaram Deshmukh ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 45 OF 2015

Sushma Ravindra Pandit ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 46 OF 2015

Yashoda Kanthappa Shetty ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 47 OF 2015

Sukhminder K. Dhillon ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 48 OF 2015

Nagendra Ramraj Yadav ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 49 OF 2015

Vimal Vikas Keni ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 50 OF 2015

Naresh Narayan Pawshe ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 51 OF 2015

Vishnu Namdeo Patil ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 52 OF 2015

Darshankaur V. Wasan ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 53 OF 2015

Dnyaneshwar Ganpat Pawase ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 54 OF 2015

Sitaram Khandu Alimkar ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 55 OF 2015

Ramesh Ramchandra Vaity ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 56 OF 2015

Narayan D. Shetty ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 57 OF 2015

Sadashiv S. Shetty ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 58 OF 2015

Dilip J. Bhatia ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 59 OF 2015

Kusum Mahadeo Mahadik ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 60 OF 2015

Anil Madan Bhoir ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 61 OF 2015

Dayanand R. Shetty ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 62 OF 2015

Maresh Shivram Puthran ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 63 OF 2015

Rajesh Hansaraj Jain ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 64 OF 2015

Bhalchandra Madhukar Wadekar ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 65 OF 2015

Shekhar G. Chavan ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 66 OF 2015

Rekha Bhalchandra Patil ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 67 OF 2015

Rajaram Narayan Jalla ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 68 OF 2015

Rohan Ratnakar Shetty ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 69 OF 2015

Chandrabhas L. Poojari ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 70 OF 2015

Sarabjitsingh Manchandra ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 71 OF 2015

Mohanshyam Omprakash Mangla ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 72 OF 2015

Sunil Mangal Singh ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 73 OF 2015

Kondiram B. Waghmare ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 74 OF 2015

Seema Rajkumar Pamnani ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

WITH
Cont. Petition NO. 83 OF 2015

Mohini Mahesh Asrani ... Petitioner
Versus
Arvind Prabhakar Mandke, Chief Fire Officer ... Respondent

Mr. V.B. Thadhani i/b. Veena Thadhani, Advocate for the petitioners.
Mr. N.R. Bubna, Advocate for the respondent.

CORAM: MRS. MRIDULA BHATKAR, J
DATED: 27th February, 2018

PC:-

All these Contempt Petitions are heard together and disposed of by a common order, as similar issue is involved in these Petitions.

2. The Petitioners have filed these Contempt Petitions under Article 215 of the Constitution of India read with action under Contempt of Courts Act, 1971 against the sole respondent, who is Chief Fire Officer of Municipal Corporation of District Thane, for failure to abide by the ratio laid down in the judgment and

order dated 2nd December, 2014 passed by this Court in Writ Petition No. 8578 of 2014 along with other Writ Petitions. In those Writ Petitions, the petitioners have challenged the order dated 2nd/4th August, 2014 passed by the Commissioner of Police, Thane thereby suspending eating house licence, public entertainment licence, premises and performance licence in respect of petitioners' establishment for an indefinite period under the provisions of Section 33(wa) of the Bombay Police Act, 1951 read with Rule 222(2) of the Rules for Licencing and Controlling Places of Public Amusement (other than Cinemas) and Performances for Public Amusement, including Melas and Tamashas, 1960. While disposing of all these Writ Petitions by common order, the Hon'ble Judge of this Court, in operative clause (2) has directed as follows:

“(2) It is open to the Chief Fire Officer-respondent no. 2 to issue fresh notice under section 5 of the Fire Safety Act to the Petitioners' establishments if he is of the opinion that the Petitioners have not complied with the requirements sought for under the notice dated 13th September, 2014 and take appropriate decision as per the provisions of the Fire Safety Act.”

3. The learned counsel for the petitioners submitted that the grievance is made by the petitioners that respondent/Chief Fire Officer has ignored the ratio laid down by the Single Judge of this Court by disposing of the Writ Petitions in respect of issuance of eating house licence, performance licence and also in respect of discussion in Fire Safety Act. He further submitted that due to efflux of time, the Corporation in fact has taken action and some of the restaurants and establishments are demolished by the Corporation. He submitted that as on today, the petitioners are not serious in taking action against the respondent.

4. The learned counsel for the Corporation submitted that the respondent has issued notice under section 5 of the Fire Safety Act pursuant to the order dated 2nd December, 2014 passed by the Single Judge in the Writ Petitions. He submitted that the petitioners have also given reply to those notices. The learned counsel submitted that the order passed by the Chief Fire Officer is appealable to drawing of high services.

5. Heard the submissions. Considered the subsequent

developments and demolition of the premises. As per paragraph 23 of the impugned order, the Court has mentioned that the petitioners have complied with the requisitions sought by the Chief Fire Officer vide his notice dated 14th July, 2014. However, it is mentioned that if the Chief Fire Officer was of the opinion that the certificates submitted by the petitioners are not in compliance with the Fire Safety Act, then, of course, the Chief Fire Officer could have issued notice and taken steps as provided in Sections 7 and 8 of the Fire Safety Act, instead, the Chief Fire Officer sent the report to the Commissioner of Police. In fact the notices under section 5 were issued by the Fire Department pursuant to the request made by the Commissioner of Police vide his letter dated 27th June, 2014. On the background of this finding, the operative clause (2) is to be read as - "Whether the Chief Fire Officer was given liberty to issue fresh notice under section 5 of the Fire Safety Act and pursuant to which, he has issued notice under section 5 of Fire Safety Act". Thus, sending notice itself cannot be said as violation of the order dated 2nd December, 2014 and is instance of Contempt of Court. There is nothing to show that the respondent/Chief Fire Officer has deliberately or intentionally

violated the order of this Court. Under such circumstances, nothing remains in these Contempt Petitions and are dismissed.

(MRS. MRIDULA BHATKAR,J.)