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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 16th October, 2019

+ W.P.(C) 10989/2019

SHRI PARMINDER SINGH

..... Petitioner

Through: Mr.Jatin Sharma, Adv. with
Mr.Deepesh Makkad, Adv.

Versus

M/S DAV PUBLIC SCHOOL AND ORS.

..... Respondents

Through: Mr.Gautam Narayan, ASC with
Ms.Dacchita Shahi, Mr.Shivam Vij, Advs. for
GNCTD.

Mr.Ajjay Aroraa, Adv. with Mr.Kapil Dutta, Adv.
for SDMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D.N. PATEL, Chief Justice (Oral)**

1. This public interest litigation has been preferred with the following prayers:-

“a) issue a Writ of Mandamus, a Writ in the nature of Mandamus and/or any other appropriate writ, order and direction ordering and/or directing the respondent no. 5 to ensure that fire safety and life safety measures in the premises of the Respondents no. 1 or any other places where schools, institutions or educational places are established in the jurisdiction of this Hon’ble Court;

b) Pass a direction to implement the laws and fulfill the requirements of the national building code of India, 2016 as amended, and other existing local laws;

c) issue a Writ of Mandamus, a Writ in the nature of Mandamus and/or any other appropriate writ, order and direction ordering and/or directing the respondent no. 2 to 7 to conduct appropriate

inspection as per law and to seal the premises of the Respondent no. 1 forthwith who are running the schools and also violating the fire safety and life safety measures in buildings;

d) to issue a Writ of Mandamus, a Writ in the nature of Mandamus and/or directing the Respondents no. 2 to 7 for developing as "Audit Mechanism or Standard Operating Procedures and Rules" so that quarterly or half yearly or an yearly audit can be conducted over the existing buildings in Delhi and NCR in regard to maintenance of updated status of the building of the schools, educational institutions or coaching centers etc.;

e) to issue a Writ of Mandamus, a Writ in the nature of Mandamus and/or any other appropriate writ, order and direction ordering and/or respondents no. 2 to 7 to fix the criminal and civil liability of their erring officials, developer and owners of the such building or the appropriate compensation to the victims in view of the judgment of the Hon'ble Supreme Court of India in the case of "Nia Behera (Smt.)..Vs. State of Orissa" reported in 1993 (2) SCC 746 this Hon'ble Court held "... acclaimed public law for compensation for contravention of human rights and fundamental freedoms is an acknowledged remedy for enforcement and protection of such right....";

f) to issue a Writ of Mandamus, a Writ in the nature of Mandamus and/or any other appropriate writ, order and direction ordering and/or directing the Respondents no. 2 to 7 that no completion certificate or occupation certificate should be issued for any building unless the applicant/ school trust or owners obtains no objection certificates from the concerned authorities to the effect that the structure has been constructed in accordance with the requirements of the National Building Code of India, 2016 and also well equipped with the fire fighting systems and measures;

g) to issue a Writ of Mandamus, a Writ in the nature of Mandamus and/or any other appropriate writ, order and direction ordering and/or directing the Respondents No. 2 to 7 to seal the schools, educational institutions or coaching centers which have violated the building bye-laws/norms and supported the illegal constructions;

h) to issue a Writ of Mandamus, a Writ in the nature of Mandamus and/or any other the appropriate writ, order and direction ordering and/or directing respondents no. 5 to make appropriate rules to implement a mandatory Fire insurance coverage for all schools, educational institutions etc. falls under the jurisdiction of NCT of Delhi.”

2. Having heard the learned counsel for both the parties and looking to the facts and circumstances of the case, it appears that already a circular has been issued by the respondents on 1st March, 2011 which is at Annexure-4 to the memo of this writ petition for adherence and compliance with fire and life safety provisions in the school buildings.
3. Accordingly, the respondents are hereby directed to implement the aforesaid circular in letter and spirit and if any school is not adhering to fire safety measures as required under the aforesaid circular, action can be initiated by the respondents in accordance with law, rules & regulations and Government policies, as early as possible and practicable after giving adequate opportunity of being heard to the concerned party.
4. With these observations, the writ petition is disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

OCTOBER 16, 2019

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