

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

WRIT PETITION (WP) NO. 4764/2022

Dr. Rajkumar s/o Chandrabhan Kiratkar and ors.

..VS..

State of Maharashtra and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.D. Thombre, Advocate for petitioners
Shri D.P. Thakare, Additional Government Pleader for respondent no. 1
Shri J.B. Kasat, Advocate for respondent nos. 2 and 3
Shri S.V. Purohit, Advocate for respondent no. 5

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, J.J.

DATED : 18/08/2022

The petitioners who claim to be occupants of the building called as “Everest Arcade” have challenged the order passed under Section 8(2) of the Maharashtra Fire Prevention and Life Safety Measures Act, 2006 (for short the “Act of 2006”) dated 09.06.2022. By the said order the Chief Fire Officer, Nagpur Municipal Corporation has directed discontinuation of the water supply to the aforesaid building on the ground that the directions issued under Section 8(1) of the Act of 2006 have not complied with. Similar direction has been issued to the respondent no. 5 – MSEDCL to disconnect the electricity supply. After notice was issued in the writ petition, reply has been filed by Nagpur Municipal Corporation in which it has been stated that despite requiring the petitioners to take various measures as required under the Act of 2006 there was non-compliance of the same and hence action under Section 8(2) of the Act of 2006 has been taken. In paragraph 8 of that affidavit it has been stated that underground water tank and installation of

water pump would have to be provided as measures that have been suggested under the Act of 2006.

The learned Counsel for the petitioners submits that within a period of three months necessary facilities such as underground water tank and installation of water pumps would be undertaken.

We do not find any reason to interfere with the impugned order dated 09.06.2022 passed under Section 8(2) of the Act of 2006 as compliance of mandatory requirements has been sought. It would be open for the petitioners to comply with the necessary measures that have been suggested by the Competent Authority. After those measures are provided for the petitioners may seek inspection of the said property in accordance with law. Hence while disposing of the writ petition, we may observe that occupation of the petitioners in the said building is their own risk and consequences.

The writ petition is disposed of. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

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