

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8550 of 2023

Manibhushan Pratap Sengar, Son of Jitendra Kumar Singh, Advocate Patna High Court, Resident of Mohalla, Premji Colony Kharaunia Bagicha, P.S.-By-pass, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Urban Development, Patna.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Principal Secretary, Home Department.
4. The Director General of Police, Bihar, Patna.
5. The Director General of Home Affairs and Fire Services, Bihar, Patna.
6. The State Fire Officer, Bihar, Patna.
7. The Commissioner, Patna.
8. The Patna Municipal Corporation, Through the Municipal Commissioner, Patna.
9. The Chief Executive Officer, Patna Municipal Corporation, Patna.
10. The District Magistrate, Patna.
11. The District Fire Extinguisher Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manibhushan Pratap Sengar, (In Person)
For the Respondent/s	:	Mr. Md. Nadim Seraj, GP-5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 21-07-2023

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant case in the
nature of a Public Interest Litigation praying for the following



relief(s) :-

“1. i. An appropriate direction be issued commanding the Respondents to enquire as to why and how commercial buildings and offices are existing in Bihar especially in Patna in functional condition without required NOC from fire office and responsible persons be proceeded with departmentally in accordance with law.

ii. An appropriate direction be issued commanding the respondents to manage fire NOC to all functional commercial buildings and offices forthwith in accordance with law in the alternative stop functioning of such all buildings having no fire NOC.

iii. Any other appropriate writ or direction be issued which may be applicable in the facts and circumstances of the case.”

3. The case of the petitioner, who happens to be an advocate in this Court, is that in the last several years commercial and official buildings have caught fire in Patna resulting in damage and loss to public money as also of important public documents. On an application under the Right to Information Act, it transpired to the petitioner that several commercial buildings/offices are existing and functional in Patna which requires N.O.C from the Fire Department. Hence, the instant application.

4. Having heard learned counsel for the parties and



having perused the material on record it transpires that a counter affidavit has been filed on behalf of the respondents including the Principal Secretary of the Home Department, Bihar as also the Director General of Home Affairs and Fire Services, Bihar, Patna. It has been stated in the counter affidavit that ever since framing of the Bihar Fire Service Rules, 2021, the respondents have been taking fire prevention and fire safety measures. In the Patna District recurrent fire audits have been done with respect to forty important office buildings and hospitals, their fire safety status have been assessed and steps have been taken to mitigate the discrepancies prevailing therein. It has further been stated that fire audits with respect to multi-storey buildings, of which 1115 are in Patna and total of 1577 in the whole of Bihar approved by the Real State Regulatory Authority (RERA), whichever building's fire audit has not been done, is going on.

5. Having heard learned counsel for the parties and having perused the categorical reply on behalf of the respondent nos. 3, 5, 6 and 11 in their counter affidavit, as stated herein above, this Court expects that those buildings of which fire audits have not been done yet and are going on, as stated in the counter affidavit, be continued and are completed at the earliest.

6. In view of the above, especially the categorical



stand of the respondents in their counter affidavit, in the opinion of the Court, nothing remains in the instant application and the same is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	01.08.2023.
Transmission Date	N/A

