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ORDER SHEET

WPO/3258/2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUNIL JHUNJHUNWALA AND SONS (HUF)
VERSUS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : February 27, 2023.

Appearance:

Mr. Shaswat Nayak, Adv.

Mr. Mahesh Joshi, Adv.

...for the petitioner

Mr. Biswajit Mukherjee, Adv.

Ms. Sima Chakraborty, Adv.

...for the K.M.C.

Mr. Debasish Ghosh, Adv.

Mr. Sayan Ganguly, Adv.

...for the State.

The Court: The petitioner claims to be a trader in a congested area of Burrabazar. The petitioner has annexed photographs in the writ petition claiming that hazardous and potential inflammable substances have been stacked in the common areas in the building including along the stair case.

Learned counsel appearing for the petitioner submits that the respondent no.2, being the Director General, West Bengal Fire and Emergency Services may be directed to cause inspection of the building and take necessary steps, if required.

The respondents are represented.

Section 34 of The West Bengal Fire Services Act, 1950 empowers the Director or the nominated authority to enter and inspect any building or a part of the premises at any time between sunrise and sunset when such inspection is considered necessary. Under Section 34(2), the owner and occupier of the building shall render all possible assistance to the Director. Section 35 authorises the Director or the superior nominated authority to record views on the deviations upon such inspection and to issue a notice to the owner/occupier requiring him to undertake requisite measures within a certain time frame. Section 36 again authorises the Director in the event of non-compliance of any notice issued under Section 35 to take necessary steps for compliance of the notice. Section 37A provides that the Director may require the persons in possession or occupation of the building to remove themselves forthwith if the Director is satisfied of the inadequacy of the fire prevention and fire safety measures. Under Section 37AA, the Director is also empowered to direct the owner/occupier to remove the inflammable articles found in any building which are hazardous and is likely to endanger public safety.

It is clear from the above that the 1950 Act lays down procedure for inspection and secure effective steps upon finding of such hazardous material inside the building.

WPO/3258/2022 is accordingly disposed of with a direction on the respondent no.2 to undertake an inspection under Section 34 of the Act and follow the procedure laid down in the said Act.

The Director shall be empowered to take all necessary steps if hazardous and inflammable materials are found inside the concerned

building which is the subject-matter of the writ petition as mandated under the 1950 Act. The entire exercise shall be completed within eight weeks from today.

(MOUSHUMI BHATTACHARYA, J.)

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