

Suchitra

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 221 OF 2021**

ANJUMAN TOUHIDUL MUSLAMEEN
EDUCATION SOCIETY THR. THE
CHAIRMAN, RASHID BADRAPUR ... PETITIONER

Versus

STATE OF GOA THR. THE CHIEF ...RESPONDENTS
SECRETARY & 3 ORS.

Mr A. D. Bhobe with Ms A. Fernandes, Advocates *for the Petitioner.*

Mr D. Pangam, Advocate General with Mr Tukaram Gawas,
Additional Government Advocate *for Respondent-State.*

Mr Dinesh Naik, Advocate *for Respondent No.5.*

Mr Rohit Bras de Sa with Mr P. Naik, Advocates *for Respondent No.6.*

WITH

MISC. CIVIL APPLICATION NO.1487/2022 (F)
IN
WRIT PETITION NO.221/2022

SHAHNAWAZ MOHAMAD ... Applicant/Intervenor

Versus

STATE OF GOA THR. THE
CHIEF SECRETARY & 5 ORS. ... Respondents

Mr. D. Pangam, Advocate General with Ms. Maria Correia, Additional Government Advocate for the State.

Mr. Dinesh Naik, Advocate for the Respondent No.5.

Mr. Rohit Bras De Sa with Mr P. Naik, Advocates for the Respondent No.6.

**CORAM: M. S. SONAK &
BHARAT P. DESHPANDE, JJ**

DATED : 4th SEPTEMBER 2023

P.C.

1. Heard Mr A. D. Bhobe for the Petitioner, Mr D. Pangam, learned Advocate General who appears along with Mr Tukaram Gawas, learned Additional Government Advocate for Respondent-State, Mr Dinesh Naik for Respondent No.5 and Mr Rohit Bras de Sa for Respondent No.6.

2. Petitioner, the Managing Committee of a school operating in the same village, has instituted this petition pointing out the several irregularities with which respondent no.6 was operating this school.

3. The petitioner alleged that the building from which respondent no.6 was operating its school did not have any occupancy certificate, and there was no compliance with the fire safety regulations.

4. From time to time, orders were made in this petition inter alia for inspection of the school premises and for remedying the defects that were discovered. Finally, respondent no.6 filed affidavits of compliance dated 26.06.2023 and 25.07.2023 along with several documents like occupancy certificate, fire safety NOC, etc.

5. The compliance reports now show that the structures on the ground floor and first floor are authorised and even have an occupancy certificate. Necessary permissions and occupancy certificates are also produced on record. Further, the compliance reports show that even fire safety authorities, after inspection, have certified that the ground floor and the first floor comply with the Fire Safety Regulations.

6. Insofar as the second floor of the structure is concerned, there is a problem. For the present, this floor does not have any occupancy certificate. Mr Rohit Bras de Sa, learned counsel for respondent no.6, based on instructions, has already made a statement that this second floor will not be used or occupied unless necessary permissions, including an occupancy certificate, are obtained from the concerned authorities. This statement has been made on oath by respondent no.6. Respondent no.6 will have to comply with this statement and not use or occupy the second-floor

premises until the occupancy certificate is obtained from the competent authorities.

7. Now that the compliances have been reported with regard to the ground floor and the first-floor structures from where respondent no.6 is presently operating its school, this Writ Petition can be disposed of and is hereby disposed of.

8. Accordingly, by accepting the compliance reports and the undertaking on behalf of respondent No. 6 with regard to the second floor of the structure, we dispose of this petition. Further, we direct the officials from the Directorate of Education and Directorate of Fire Services to once again inspect the school premises in December 2023 and March 2024, and ensure that all compliances are in place.

9. Accordingly, Writ Petition No.221/2022 is disposed of without any order for costs.

10. Misc. Civil Applications, if any, do not survive, and the same are also disposed of.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

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