

W.P.A. 17190 of 2019

**Amiya Chorone Roquitte @ Amiya Charan Rakshit
Vs.
The State of West Bengal & Ors.**

Ms. Manju Bhutoria
Mr. Siddhartha Banerjee
Mr. Meghnad Dutta
Mr. Anjan Bhandari
Mr. Anam Zafar
Mr. Rajesh Upadhyay

...for the Petitioner

Mr. N.C. Bihani
Ms. Papiya Banerjee Bihani

...for the State

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

In this writ petition writ of mandamus has been
prayed for in connection with ensuring fire safety
measures at premises nos. 19A, 19B, 19C, 19D, Bipin
Bihari Ganguly Street, Bowbazar under the jurisdiction
of Kolkata Municipal Corporation. However, grievance of
the petitioner is against the concerned authorities of
West Bengal Fire and Emergency Services, Government
of West Bengal.

It is also submitted before this Court that though
the premises in question are situated at a very congested
area in the city of Kolkata, but for the safety and security
of the residents of the aforesaid premises and the
residents of the adjoining premises, necessary steps are
required to be taken by the concerned respondent

authorities for ensuring fire safety measures in order to avert future fire incident.

It is also submitted that hazardous and inflammable articles are being stored at the aforesaid premises which may be cause of future fire incident at the premises and that possibility can be averted in the event fire safety measures are ensured pursuant to the policy formulated by the concerned authority of West Bengal Fire and Emergency Services.

West Bengal Fire and Emergency Services being the concerned respondent authority is represented by Mr. N. C. Bihani, learned counsel who has filed a report dated 3rd December, 2021 prepared on the basis of inspection carried out at the premises in question on 21st October, 2019 and subsequently on 2nd December, 2021. Such report is also prepared pursuant to the order passed by the coordinate Bench on this writ petition on 4th September, 2019. The said report dated 3rd December, 2021 signed by the Director, West Bengal Fire and Emergency Services, Government of West Bengal is taken on record.

On perusal of the said report it appears that the premises in question is G+2 storied building consisting of aforesaid four premises numbers and is old building. The major parts of the said premises are occupied for residential purposes but shops, transport company godown, plywood godown are located at the ground floor

of the said premises. It is found that one office is located at the 2nd floor of the building. It also emanates from the said report that no fire safety measures have been adopted by the owners/occupiers of the said building as per norms.

It is indicated in the report, if application is made online on designated web portal of the West Bengal Fire and Emergency Services for obtaining fire safety recommendation of the said building necessary steps can be taken by the concerned respondent authorities if the same is permissible considering the present position of the premises in question.

Since the premises in question situates at a congested area in Bowbazar, Kolkata and the building in question is very old one the prayer made in this writ petition for issuance of mandamus upon the concerned authority of the Government of West Bengal to ensure fire safety measures in the said premises is not possible to be allowed. However, considering the contents of the report if, application is made online on designated portal of the West Bengal Fire and Emergency Services the Director, West Bengal Fire and Emergency Services shall make an endeavor to take necessary steps for implementation of the fire safety measures, if possible, in order to make the premises comparatively safe.

With the aforesaid observations, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)