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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 1228/2024, CM APPL. 74639/2024, CM APPL. 74640/2024 &
CM APPL. 74641/2024

MR MANJIT SINGH SAWHNEY

.....Appellant

Through: Mr. Inderbir Singh Alag, Senior
Advocate with Mr. Manish Biala and
Mr. Devesh Ratan, Advocates.

versus

DIRECTOR, DELHI FIRE SERVICE & ORS.

.....Respondents

Through: Mr. Jayant K. Mehta, Senior
Advocate with Mr. Manav Gill, Ms.
Jasleen Virk and Mr. Shivang Gupta,
Advocates for R4.
Mr. Kapil Dutta and Mr. Vansh
Luthra, Advocates for MCD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

19.12.2024

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1. The appellant has filed the present appeal impugning an order dated 23.10.2024 passed by the learned single Judge in W.P. (C) 14789/2024.
2. The respondent no.1 had filed the said petition impugning communications dated 21.05.2024, 04.07.2024 and 01.10.2024 issued by respondent no.1/Delhi Fire Service, highlighting the issue of unauthorized construction obstructing the ingress and egress of some of the inhabitants to the terrace of the building in question.



3. On the basis of the said communications the Municipal Corporation of Delhi (MCD) has directed respondent no.4 to demolish the said structure.
4. The learned single Judge had found that the Delhi Fire Service does not have any role to play as the height of the building in question does not exceed 15 meters and, therefore, in terms of Rule 27(7) of the Delhi Fire Service Rules, 2010, the said building is not qualified as a high risk building.
5. In the aforesaid view, the learned single Judge had observed that MCD was not obliged to pursue any action in compliance with any communication issued by Delhi Fire Service. However, the learned single Judge had also granted liberty to the parties to raise concerns regarding violation of building regulations before the appropriate statutory forum, if so advised.
6. We do not find any infirmity with the said decision, however, we consider it apposite to clarify that MCD is not impeded in any manner in taking action against, including if it is necessary, on account of fire safety in the event any of the constructions raised is contrary to the building by-laws. And, it is a part of their functions to do so.
7. The appeal is disposed of with the aforesaid observations.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 19, 2024

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Click here to check corrigendum, if any