



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 80 OF 2019

Abha Singh .. Petitioner

Versus

State of Maharashtra
Through the Secretary
Urban Development Department .. Respondent

Ms. Abha Singh, petitioner-in-person, present.
Ms. Jyoti Chavan, Addl. Government Pleader for State.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 6th DECEMBER, 2023

P.C.:

1. This Public Interest Litigation petition raises genuine concern in relation to out-break of fire in the residential as also other buildings in Mumbai.

2. The Court, taking cognizance of the issue, expressed the need to activate the Urban Development Department of the State Government to explore the desirability of incorporating special regulations by way of amendment in DCPR-2034 as well as UDCPR, vide its order dated 11th April, 2022. Thereafter, on 29th July, 2022, the Court directed the State Government to take decision on constitution of a Committee for the purposes of reflecting upon the issues embodied in its order dated 11th April, 2022.

3. In deference to the Court's order dated 29th July, 2022, a Committee was constituted for the said purpose by means of a Government Resolution dated 18th August, 2022. A statement, on behalf of the State Government, by the learned Addl. Government Pleader was made before this Court on 20th October, 2022, stating, on instructions, that the Committee shall take three months more time to place its report before the State Government. Accordingly, on 27th February, 2023, the Expert Committee prepared its final report in respect of Special Safety Control Rules. The Court in its order dated 1st March, 2023 expressed its desire that the report needs to be submitted to the Government immediately. The report could, thus, be ultimately submitted to the State Government. The Court in its order dated 2nd May, 2023 noted the statement made by the learned Addl. Government Pleader that the Expert Committee had submitted the report to the Government through Urban Development Department and again on 28th June, 2023, a statement of the learned Addl. Government Pleader was recorded by the Court, whereby it was informed that the report shall be placed before the Cabinet for decision and that the final decision thereupon is awaited.

4. Thus, at least since 28th February, 2023, the report prepared by the Expert Committee after deliberations and considerations of all the relevant aspects, is pending before the State Government, however, no final decision for incorporating the necessary amendments in the DCPR-2034 and UDCPR has been taken. The regulations to be incorporated are only to provide a statutory

mechanism/measure so that incidents of out-break of fire in the residential and other buildings can be curbed. As a result of state of indecision on the part of the State Government in respect of the report submitted by the Expert Committee, adequate steps are not being taken as a result of which the incidents of fire out-break appear to be on a rise. Every other day one or the other tragic incident of death and other bodily injury of human being is being reported on account of such fire out-breaks. Any slackness or state of indecision cannot be appreciated in such matters.

5. In the aforesaid circumstances, we call upon the Principal Secretary in the Urban Development Department to apprise the Court through the learned Addl. Government Pleader on the next date as to how much time shall be taken to take final decision in the matter. The learned Addl. Government Pleader shall be briefed by the Principal Secretary personally, who will also chalk-out a timeline so that the necessary amendments in the regulations are finally notified.

6. At this juncture we need not reiterate or remind the State Government the immediate need of having the amendments in the regulations to be incorporated at the earliest.

7. Stand over to **8th December, 2023.**

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)