

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(C) No.1494 of 2020**

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Ramautar Gulati @ Ram Awtar Gulati ..... Petitioner.

-Versus-

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Project Bhawan, Dhurwa, Ranchi.
2. State Fire Safety Officer, Government of Jharkhand, Doranda, Ranchi.
3. Additional State Fire Safety Officer, Doranda, Ranchi.
4. Fire Safety Officer, In-charge, Golmuri, Jamshedpur.
5. Officer-in-charge, Fire Safety Department, General Section, East Singhbhum, Jamshedpur.

..... Respondents.

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**CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioner : Mr. A. K. Sahani, Advocate  
For the State : Mr. A. K. Yadav, G.A.I  
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**Order No.03**

**Date: 08.07.2020**

1. This case is taken up through video conferencing.
2. The present writ petition has been filed for quashing letter no.673 dated 6<sup>th</sup> March, 2020 (Annexure-3 to the writ petition) issued under the signature of the In-charge Officer, General Section, East Singhbhum, Jamshedpur- respondent no.5, whereby the petitioner has been asked to submit his explanation with respect to alleged non-compliance of the fire safety advisory issued for retail fireworks dealers by the Additional State Fire Safety Officer, Doranda, Ranchi-respondent no.3. Further prayer has been for issuance of direction upon the respondents not to interfere with the functioning of the shop of the petitioner without taking recourse of law.
3. Learned counsel for the petitioner submits that the petitioner was granted Licence no.01 of 2015 under the Explosive Rules, 2008. The said licence was renewed from time to time, which was effective till 31<sup>st</sup> March, 2020, however, the petitioner has already made an application for renewal of licence on 30<sup>th</sup> April, 2020 in the office of the Deputy Commissioner, East Singhbhum, Jamshedpur by depositing the requisite fee, a copy of which has been annexed as Annexure-6 to the supplementary affidavit dated 26<sup>th</sup> June, 2020. It is further submitted that neither the respondent no.5 visited the petitioner's shop for any enquiry nor intimated him showing such an intention. The petitioner has been issued the impugned letter dated 6<sup>th</sup> March, 2020

by the respondent no.5, mentioning, *inter alia*, that it was informed by the respondent no.4 vide memo no.125 dated 26<sup>th</sup> February, 2020 that the petitioner has not complied the fire safety advisory issued by the respondent no.3 vide memo no.260 dated 29<sup>th</sup> January, 2019. Under the said context, the petitioner has been called upon to submit his explanation within a period of three days. Learned counsel for the petitioner further submits that, in fact, the respondent no.4 in collusion with the petitioner's brother- Pawan Kumar Gulati has made allegation regarding non-compliance of the fire safety advisory issued by the respondent no.3. It is also submitted that neither the letter as contained in memo no.125 dated 26<sup>th</sup> February, 2020 issued by the respondent no.4 nor the fire safety advisory said to have been issued by the respondent no.3 vide memo no.260 dated 29.1.2019 has been served upon the petitioner, hence he is not in position to submit effective reply before the respondent no.5.

4. Mr. A. K. Yadav, learned G.A.I, appearing on behalf of the respondents submits that it would be evident from the impugned letter dated 6<sup>th</sup> March, 2020 issued by the respondent no.5 that the petitioner did not follow the advisory dated 29<sup>th</sup> January, 2019 issued by the respondent no.3 regarding safety measure to be taken by the retail fireworks dealers.
5. Heard learned counsel for the parties and perused the content of the writ petition. The specific contention of the learned counsel for the petitioner is that he has neither been served with memo no.125 dated 26<sup>th</sup> February, 2020 issued by the respondent no.4 nor the fire safety advisory as contained in memo no.260 dated 29<sup>th</sup> January, 2019 issued by the respondent no.3 and due to the said reason he has not been able to submit effective reply before the respondent no.5. The petitioner also appears to have represented before the Director General, Home Guard and Fire Safety, Government of Jharkhand, Ranchi, agitating the said issue, as would be evident from the copy of the letter dated 13<sup>th</sup> March, 2020, annexed as Annexure-4 to the writ petition.
6. In my view, the respondents are required to serve the copies of the letters to the petitioner on the basis of which the impugned letter dated 6<sup>th</sup> March, 2020 (Annexure-3 to the writ petition) has been issued

by the respondent no.5. Accordingly, the respondent no.5 is directed to serve the copies of memo no.125 dated 26<sup>th</sup> February, 2020 issued by the respondent no.4 and memo no.260 dated 29<sup>th</sup> January, 2019 issued by the respondent no.3 to the petitioner within a period of one week from the date of receipt/ production of a copy of this order. The petitioner on receipt of the aforesaid letters from the office of the respondent no.5 shall file his reply within a period of two weeks thereafter and on submission of the said reply, the respondent no.5 shall take appropriate decision in pursuance of impugned letter dated 6<sup>th</sup> March, 2020 in accordance with law after providing due opportunity of hearing to the petitioner or his representative.

7. The writ petition is disposed of with the aforesaid directions.

*Sanjay/*

**(Rajesh Shankar, J.)**