

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17413 of 2025**

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VIVEKANAND EDUCATION FOUNDATION**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR VANDAN K BAXI(5863) for the Petitioner(s) No. 1****MR SI NANAVATI, SENIOR ADVOCATE for NANAVATI &****NANAVATI(1933) for the Petitioner(s) No. 1****MR GH VIRK GOVERNMENT PLEADER with MS DHARITRI PANCHOLI,
AGP for the Respondent(s) No. 1****MR GH VIRK with****MR SH VIRK with****MS NANCY SHETH with****MR JAGRAT SHAH for the Respondent(s) No. 2,3,4,5,6**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 18/12/2025****ORAL ORDER**

1. Affidavit-in-reply filed by learned advocate Mr. G.H.Virk for the respondent – Corporation is taken on record.

2. This petition is filed seeking to direct respondent No.2 – Ahmedabad Municipal Corporation to open the seal put vide order dated 12.12.2025 (Annexure A page 22).

3. Heard learned senior advocate Mr. Sudhir Nanavati assisted by Mr. Vandan Baxi for the petitioner and learned advocate Mr. G.H.Virk assisted with Mr. S.H.Virk for respondent No.1 – Corporation.

4. Learned senior advocate Mr. Nanavati submitted that petitioner herein is a registered Public Trust established in 1967 having Registration No.E-1497 running an educational institution in the name of Vivekanand Education Foundation. The property in question is situated at Final Plot No.74 paiki, Sub Plot Nos.155, 157/A, 161 of T.P. Scheme No.5, Opp. Raipur Darwaja, Khadia, Ahmedabad.

5. Under order dated 12.12.2025, the petitioner's premises has been sealed on the ground that the said institution does not have Building Use Permission and not having 'No Objection Certificate' for fire safety. The said order refers to earlier sealing of the premises on 30.05.2024, 26.06.2024 and the undertaking given by the authorized person of the trust for doing the needful for fire safety requirement. Learned senior advocate submitted that the said order is erroneous because the building in question is having cellar which is used for parking purpose. Further, there are ground plus four floors, wherein this petition is filed only to open the seal for running the class rooms of ground, first and

second floor. Learned advocate submitted that for other floors i.e. third, fourth and fifth floors there being no building use permission, no relief is sought. In other words, the petitioner is seeking to open the seal put vide order dated 12.12.2025 for cellar which is used for the parking purpose, the ground floor and further two floors used for the educational purposes. In support, learned senior advocate has relied upon 'Fire Safety Certificate Renewal' (FSCR) dated 27.05.2024 (Annexure E page 35) to submit that the said building was used and inspected on 27.05.2024 and thereafter the earlier fire safety certificate was renewed for further period of two years which is valid up to 27.05.2026. Earlier SCA No.11332 of 2024 was filed since the certificate dated 27.05.2024 was not uploaded on the website. Moreover, the reference of undertaking is of no consequence because that undertaking was given for third, fourth and fifth floor of the building in question. Therefore, since the petitioner is having fire safety certificate which is valid upto 27.05.2026 for **cellar, ground floor, first and second floors**, the respondents may be directed to open the seal of the said premises till second floor. Learned senior advocate reiterated that at present, petitioner is no pressing for any action to be taken in connection with third, fourth and fifth floor of the building.

6. Opposing the petition, learned advocate Mr. G.H.Virk submitted that the entire petition is misconceived and barred by principles of *res judicata* because for the very prayer earlier Special Civil Application No.11332 of 2024 has been preferred with the very prayer and the same is pending adjudication, no interim directions are passed and therefore, this petition deserves to be rejected on that ground alone. On merits, learned advocate Mr.Virk submitted that the Municipal Corporation pursuant to the directives of this Court in a PIL(in relation to fire safety) inspected the buildings of the City of Ahmebadad. Further, the building in question is situated in Raipur Darwaja, Khadia area of the walled city having closely connected buildings leaving barely the passage in case of any fire incident. It was found that the premises of the petitioner is not having the fire safety therefore, action in accordance with law has been initiated. Learned advocate in support of his submission has relied upon provisions of Gujarat Provincial Municipal Corporations Act, 1949, The Gujarat Fire Prevention and Life Safety Measures Act, 2022 and The National Building Code to submit that as per the provisions of the law, under no circumstances, the Corporation can grant the use of building without any NOC for fire safety. Moreover, as contended in the petition, the petitioner is running the educational institution wherein more than 3000 students are studying and this involves

a risk of life of more than 3000 students, therefore action taken is appropriate. Apart from fire safety certificate, the petitioner are using the cellar as class rooms which is evident from the affidavit filed on 20.10.2024 in the earlier petition. Even the affidavit filed today also indicates that the class rooms are run in the cellar and third, fourth and fifth floors. The conduct of the petitioner is also to be seen because the petitioner is repetitively making the GRUDA applications seeking regularization of unauthorized construction for third, fourth and fifth floor without filing any appeal against the rejection order. Moreover, the revenue record does not reflect any entitlement of the petitioner in any manner and, therefore it raises a doubt with regard to the maintainability of GRUDA applications filed by the petitioner.

7. Noticing the above submissions, today this Court is of the opinion that the prayer with regard to opening of the seal, pursuant to order dated 12.12.2025, is made on the ground that the petitioner is possessing Fire Safety Certificate dated 27.05.2024. Prima facie, reading of earlier Special Civil Application No.11332 of 2024 refers that, the petitioner is requesting to direct the fire safety authority to upload the certificate dated 27.05.2024. Moreover, at this stage respondents have not doubted the authenticity of fire safety certificate dated 27.05.2024. However, the submissions made on behalf of

Corporation refers that the said certificate was withdrawn / cancelled and in that context, undertaking was filed to abide by fire safety requirement. Taking note of the above situation and considering that no building is permitted to be used without any fire safety equipment, in an area which is heavily congested following order is passed.

8. Issue **Notice returnable on 06.01.2026**. Learned AGP Mr. G.H.Virk assisted by Ms.Dharitri Pancoli waives service of notice on behalf of respondent No.1 and learned advocate Mr. G.H.Virk waives service of notice on behalf of respondent Nos.2 to 6.

9. Considering Fire Safety Certificate Renewal (FSCR) dated 27.05.2024, Petitioner herein is directed to make a fresh application on or before 22nd December, 2025 seeking inspection of fire safety requirement in the building in question for ground, first and second floors.

10. Once such application is made and received, noticing that the students are studying in the building and they are having their upcoming examination of the University, respondent No.5 is directed to inspect the building within the period of one week from the date of receipt of the application.

11. Once such inspection is done, respondent No.5 is directed to give its report and place the report before this Court on 06.01.2026.

12. Considering the submissions that the administrative office of the college contains the records of the students which is required to be submitted for their upcoming University examination, not more than 12 persons of the office administrative staff shall be permitted to enter the administrative building by opening the seal on 22.12.2025 from 11:00 a.m. to 5:00 p.m. This opening of seal may not be construed as the indulgence in the order dated 12.12.2025. Thereafter, it is open for the Corporation to do the needful so as to continue with the order dated 12.12.2025.

13. Learned advocate Mr. G.H.Virk for the respondent – Corporation shall communicate this order to the concerned officer of respondent - Corporation.

14. These directions are issued without prejudice to the rights and contentions of the parties.

(MAUNA M. BHATT,J)

NAIR SMITA V./05-SB-I