



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 603 of 2026

Shivendu Pandey

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./Prin.
Secy. Home Deptt. Lko. And 11 Others

.....Respondent(s)

Counsel for Petitioner(s)	: In Person, Rakesh Devi Prasad Kumar
Counsel for Respondent(s)	: C.S.C., A.S.G.I., Aprajita Bansal, Manish Jauhari, Ratnesh Chandra, Shailendra Singh Chauhan

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE MANJIVE SHUKLA, J.**

1. Heard the petitioner, appearing in person, Shri Anuj Kudesia, learned Additional Advocate General along with Shri Ratnesh Chandra, learned counsel for Lucknow Development Authority, Shri Manish Jauhari, learned counsel for Opposite Parties No. 8, 9 & 12, Shri Sahilendra Singh Chauhan, learned Counsel for Nagar Nigam and Shri Shailendra Kumar Singh, learned Chief Standing Counsel appearing for the State-respondents.

2. This is a Public Interest Litigation filed by a practicing Advocate in public interest. The catalyst for this P.I.L. is an unfortunate incident where 15 young persons died on account of a fire incident which took place in a three storey building, Housing and Animation Center on Usha Mehta Marg in Aliganj, Lucknow. It is not the first incident. Earlier, there was a fire incident in a hotel namely, Levana at Hazratganj, Lucknow. Other incidents have also taken place. One petition i.e. W.P.I.L. No. 605 of 2022, pertaining to the Levana fire tragedy, is already pending. Other similar petitions bearing W.P.I.L. No. 14663 of 2019 are also pending. Certain orders have also been passed therein.

3. After such an incident takes place, resulting in injury or casualty, the authorities, of course, spring into action. The matters are also brought to the notice of the Court, as is evident from what has been noticed hereinabove, and the Courts also take cognizance of the same, but, after sometime, the promptness which was reflected immediately after the incident, dies, and again, fresh incidents of fire, take place, resulting in further injury and casualty, therefore, it is for the Government to come out with a Standard Operating Procedure as to how, firstly, issuance or non-issuance of No Objection Certificates by the Fire Department is monitored and verified, at the time of its issuance and even thereafter, both, so as to minimize any mala fide action in this regard by the concerned authorities i.e. issuance of N.O.C. even when the minimum fire safety standards are not satisfied.

4. Similarly, when buildings are under construction and the map etc. is to be sanctioned, the concerned authority whether it be the Development authority, the Avas Evam Vikas Parishad or any other similar authority, is required to ensure that the building is constructed as per norms so that the fire safety and other norms are followed. Often it is said that, though, on paper, the formality is completed, but ultimately, when the building is constructed, it is not as per the norms sanctioned. What is the mechanism in place to detect such anomalies and deviation from the norms while the building is under construction, immediately after the building has been constructed or within a reasonable time of its construction? Unless, all these mechanisms are in place and they are implemented effectively, which will require a strong will on the part of officers and employees of the concerned department and Development authorities, this malaise would be difficult to stop and such incidents will continue to happen. It is for the Government to bring out a Standard Operating Procedure in this regard with appropriate provisions for penal action against the defaulting officers and employees. How is it that buildings are constructed, specially commercial buildings, where the foot fall on a given day is substantial, in violation of the norms? The fact that, it is so, itself is

evidence of the fact that whatever mechanism is in place, as of now, is neither sufficient nor effective. Lives of as many as 15 young persons were lost in the fire, which itself is a reflection of sorry state of affairs.

5. We asked Shri Anuj Kudesia, learned Additional Advocate General appearing for the Lucknow Development Authority as to whether the building complied with the fire safety norms, he submitted that the map for the building in question was sanctioned for residential purposes but a commercial building was constructed and commercial activity was being undertaken therein. He has fairly stated that an order for demolition of the construction made in the basement was passed on 10.05.2016, as the construction was not as per sanctioned map, but, the said order was cancelled / withdrawn on 05.07.2016. On being asked as to whether the construction which took place after recall of the demolition order, was in terms of sanctioned map, learned counsel stated that it was not in accordance with the sanctioned plan. On being further asked as to why construction was not stopped while it was underway illegally and why suitable action under the U.P. Urban Planning and Development Act, 1973 not taken at the appropriate time, as, had it been taken, loss of lives would have been prevented, learned counsel submitted that the fact is that no action was taken.

6. Apart from the Fire departments, Development Authorities, Avas Evam Vikas Parishad etc., U.P. Power Corporation Ltd. or the distribution company such as Madhyanchal Vidyut Vitran Nigam Ltd. etc. also have an important role to play in this regard, as electricity connection to such premises is granted through them. Shri Manish Jauhari, learned counsel appearing for the Power Corporation, on being asked, informs that in the case at hand, electricity connection was granted for residential purposes in 2016 for 2 KVs, but subsequently, on account of an N.O.C. having been granted by the Director, Electrical Safety, who is an officer working under the State Government, commercial electricity connection

was granted, and load was enhanced to 20 KVs. We further asked him as to how, if map for the building was sanctioned for residential purposes and the electricity connection was initially granted for residential purposes, subsequently, N.O.C was granted for a commercial electricity connection, he submitted that it is for the State to answer to this query, as, the Director, Electric Safety is under the State Government. It is also a matter to be seen as to how in a premises which was supposed to be residential, firstly, a commercial activity was being carried out contrary to law and the sanctioned plan, secondly, commercial electricity connection was granted and the load was enhanced. If at that very stage, proper scrutiny had been made by the concerned officials, then this unfortunate incident which took place subsequently, would not have occurred.

7. We asked the learned State Counsel as to what action the State Government has taken after the aforesaid incident, we have been informed that a Special Investigation Team has been constituted. We asked as to who are part of the S.I.T., but learned counsel was not aware of it. We further asked as to what is the reference of the S.I.T., even that could not be pointed out. On being asked as to what the State Government proposes to do for the future, learned Standing Counsel submitted that a high level committee meeting was conducted on 23.06.2026, wherein certain decisions have been taken and minutes of the meeting have also been drawn but he is not in possession of the minutes as of now.

8. Learned Standing Counsel further informed that in view of the U.P. Fire and Emergency Services Act, 2022, Section 26 thereof, multi-storey buildings having a height of less than 15 meters are not required to obtain fire safety certificate from Fire and Emergency Services. If it is so, then from the incident which has taken place in a building which was less than 15 meters, the provision contained in the aforesaid act exempting such buildings from obtaining fire safety certificates, needs to be revisited, as this incident itself proves the provision to be unreasonable, prima facie.

All the relevant provisions in this regard need to be revisited by the State Government. In fact, we find that Sub-section 2 of Section 26 speaks of an occupancy certificate, which is to be issued by the authority empowered in this regard and the same shall be issued only after the said authority is satisfied that the owner or the occupier, either individually or jointly, has complied with the provision as given in Sub-section 1 of Section 26. Whether such a certificate was issued in the case, if so, how?

9. We have also been informed that a total amount of Rupees Twelve Lakhs has been paid to each of the deceased as compensation from different departments. We would also like to know as to whether there is any policy in the State Government, whether in the form of a statute or otherwise, determining the parameters on the basis of which quantum of compensation payable is determined, whether it be in the case of injury or death resulting from a fire incident or any other incident, because we find that different amount of compensation is paid by the State Government in respect of different incidents. In some, the compensation may be to the tune of Rupees Fifty Lakhs, in others Twenty Five lakhs, while in others, such as the case at hand, barely few lakhs. After all, what is the criteria or the basis for the State Government in deciding the quantum of compensation in such matters.

10. We direct the petitioner to implead the A.C.S./ Principal Secretary, Housing and Urban Planning Department, U.P., Lucknow, Commissioner, Housing, U.P. Avas Evam Vikas Parishad Board, Lucknow, U.P. Power Corporation through its Managing Director, Madhyanchal Vidyut Vitran Nigam Ltd. through its Managing Director and A.C.S./ Principal Secretary, Energy, Government of U.P., Lucknow, as opposite parties, in the array of parties of this petition, before the next date.

11. Let all the official opposite parties file their separate counter affidavit in the matter responding to the writ petition, keeping in mind what has been observed hereinabove.

12. The State Government should come out with an S.O.P. to prevent occurrence of such incidents and also for ensuring compliance of building bylaws, fire and safety norms etc. and for fixing responsibility of officers and employees in the event of any lapse.

13. Shri Rakesh Kumar, learned Advocate and member of the Oudh Bar Association has offered to assist us in this important matter as an Amicus. It is open for other members of the Bar to provide us assistance in the matter.

14. The matter shall now come up on **04.08.2026, as fresh**, showing the name of Shri Rakesh Kumar, as learned Amicus in the matter.

July 2, 2026
Lokesh Kumar

(Manjive Shukla,J.) (Rajan Roy,J.)