

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No.7881 of 2015 (I)

PETITIONER:

**T.V.DAMODARAN,AGED 60 YEARS,
S/O.AMBADIKUNHI,PALAKKAT HOUSE,
CHIVAPURAM,NEELESWARAM,KASARAGOD-671314.**

**BY SRI.M.RAMESH CHANDER (SENIOR ADVOCATE.)
ADVS.SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE**

RESPONDENTS:

- 1. CHIEF CONTROLLER OF EXPLOSIVES,
PETROLUUM AND EXPLOSIVES SAFETTY ORGANIZATION (PESO),
GOVERNMENT OF INDIA,MINISTRY OF COMMERCE & INDUSTRY,
CSEZ P.O.,KAKKANAD,ERNAKULAM-682037.**
- 2. JOINT CHIEF CONTROLLER OF EXPLOSIFES,
NO.140,MARSH'S ROAD,EGMORE,
SOUTH CIRCLE,CHENNAI-600 008.**
- 3. PETROLUUM AND EXPLOXIVES SAFETY ORGANIZATION (PESO),
GOVERNMENT OF INDIA,MINISTRY OF COMMERCE & INDUSTRY,
REPRESENTED BY SECRETARY TO GOVERNMENT,
NEW DELHI-110001.**

R1-R3 BY SRI.N.NAGARESH,ASGI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

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EXHIBIT P1:PHOTOSTAT COPY OF THE LICENSE ISSUED TO THE PETITIONER.

EXHIBIT P2:PHOTOSTAT COPY OF THE SHOW CAUSE NOTICE DATED 2.8.2012.

EXHIBIT P3:PHOTOSTAT COPY OF THE REPLY.

**EXHIBIT P4:PHOTOSTAT COPY OF THE LETTER ISSUED BY IST RESPONDENT
DATED 1.10.2012.**

EXHIBIT P5:TRUE COPY OF THE REPLY DATED 12.10.2012.

EXHIBIT P6:TRUE COPY OF THE PRINT OUT TAKEN FROM THE WEB SITE OF PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION.

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//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 7881 of 2015

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Dated, this the 20th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) Issue a writ of mandamus or other appropriate writ order or direction directing the respondents to finalize proceedings instituted on the basis of Ext. P2 show cause notice.

(ii) To grant such other reliefs this Hon'ble Court deems fit in the circumstances of the case."

2. The learned counsel for the petitioner submits that the grievance of the petitioner is with regard to non-finalization of the proceedings pursuant to Ext. P2 show cause notice issued on 02.08.2012 alleging violation of the relevant provisions of the Explosives Rules 2008. It is stated that eventhough the petitioner submitted Ext. P3 reply explaining the factual position, the first respondent suspended the licence of the petitioner vide Ext. P4. The learned counsel for the petitioner submits that the petitioner has already submitted Ext. P5 request to revoke the order, but no action is forthcoming. It is also brought to the notice of this Court that the licence of the petitioner will expire on 13.03.2016 and that non-

finalization of the proceedings is causing irreparable loss and hardships to the petitioner. The only prayer now pressed before this Court is to cause the proceedings pursuant to Ext. P2 to be finalized within a reasonable time.

3. Heard the learned Asst. Solicitor General appearing for the respondents as well, who submits that various procedural formalities are to be completed so as to finalize the proceedings.

4. After hearing both the sides and considering the limited extent of relief sought for, this Court does not find it necessary to go into the merits of the case. The Writ Petition is disposed of, directing the first respondent to finalize the proceedings pursuant to Ext. P2 in accordance with law, after affording an opportunity of to the petitioner, at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the first respondent for further steps.

The Writ Petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd