

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C) .No. 22783 of 2012 (W)

PETITIONER(S) :

A.P.NARAYANAN KUTTY, AGED 41 YEARS
S/O.KUNJAN, ARUMAKUZHI PARAMBIL HOUSE, KAVALAPPARA,
SHORNUR, PALAKKAD.

BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SMT.M.M.DEEPA
SRI.V.A.JOHNSON (VARIKKAPPALLIL)
SRI.UNNI SEBASTIAN KAPPEN

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM. 695 001.

2. ADDITIONAL DISTRICT MAGISTRATE,
THRISSUR. 680 001.

3. COMMISSIONER OF LAND REVENUE,
OFFICE OF THE COMMISSION FOR LAND REVENUE
THIRUVANANTHAPURAM. 695 001.

4. DEPUTY SUPERINTENDENT OF POLICE,
SHORNUR, PALAKKAD. 679 121.

BY ADV. GOVERNMENT PLEADER SRI. T.J.MICHAEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS:

P1- TRUE COPY OF THE LICENCE RENEWED UPTO 31.03.2011 BY THE 2ND RESPONDENT.

P2- TRUE COPY OF THE REPORT NO.351/SS/2011 DATED 24.02.2011 SUBMITTED BY THE 4TH RESPONDENT.

P3- TRUE COPY OF THE OBJECTIONS DATED 15.03.2011 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P4- TRUE COPY OF THE ORDER NO.C6-11528/11/K.DIS. DATED 04.05.2011 ISSUED BY THE 2ND RESPONDENT.

P5- TRUE COPY OF THE STATEMENT DATED NIL SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P6- TRUE COPY OF THE MEMORANDUM OF APPEAL IN LR A5 29585/2011.

P7- TRUE COPY OF THE ORDER DATED 10.08.2012 IN LR (A) 5 29585/2011 PASSED BY THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS :

R2(A) - TRUE COPY OF THE MASS PETITION RECEIVED BY THIS RESPONDENT

OKB

True copy

P.A. to Judge

K.HARILAL, J.

W.P.(C) No.22783 of 2012

Dated this the 3rd day of November, 2015.

JUDGMENT

The petitioner herein was the holder of an Explosive Licence bearing No.1246, in Form No.20, for the manufacture of 5 Kg. of gun powder and 10 Kg. of fireworks in Re-Sy.No.132/5 of Chemmanthatta Village, Talappilly Taluk of Thrissur District. He is aggrieved by the dismissal of his application for renewal of the above said licence by the 2nd respondent as well as the confirmation of the order of dismissal by the 3rd respondent in appeal.

2. Heard the The learned counsel for the petitioner and the learned Government Pleader.

3. Going by Ext.P4 it is seen that the petitioner had a licence to manufacture 5 kg. of gun powder and 10 kg. of fireworks in Re-Sy.no.132/5 of Chemmanthatta Village, Talappilly Taluk of Thrissur District and the said licence expired on 31.3.2011. On 23.2.2011 he applied for renewal of the said licence and

that application was rejected mainly on the ground that the Deputy Superintendent of Police, Shornur has reported that the petitioner has been involved in the case connected with fire mishap occurred at Thrangali at Palakkad District on 1.2.2011 and he is the 3rd accused in the above said case. So also, the Deputy Superintendent requested to cancel the above licence. It is also reported that a mass petition has been received against the explosive manufacturing unit of the petitioner and the above petition has been enquired through the Tahsildar, Talappilly and the District Police Chief (Rural), Thrissur. A hearing was conducted on 11.3.2011 and 15.3.2011 by the Additional District Magistrate, on the mass petition. Both the Tahsildar and the District Police Chief had reported that the explosion had been occurred on 3.3.2011 in the manufacturing unit possessed by the petitioner and the above unit is dangerous to the life of the people and recommended for cancellation of explosive licence.

4. Going by the above reasoning, it is seen that the licensing authority has conducted an enquiry and

obtained reports from the concerned revenue and police authorities and the application for renewal of licence was denied on the basis of those reports. As rightly observed in Ext.P7, none of the authorities have recommended for renewal of the explosive licence of the petitioner/applicant. When the people residing in the locality raised serious objection, apprehending danger to their life, such objections cannot be brushed aside lightly. So also, by the registration of the crime implicating the petitioner as the 3rd accused, it stands proved that the petitioner is incapable as well as unfit to deal with the explosive substances. I do not find any kind of arbitrariness or mala fides in the reasonings given by the competent authorities. On the other hand, I find that the reasons for which the application for renewal of the licence stands denied are justifiable, at any view point.

This writ petition is dismissed accordingly.

Sd/-
K. HARILAL, JUDGE

okb.