

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 33056 of 2014 (F)

PETITIONER :

**C.V. POLACHAN, AGED 50 YEARS,
S/O.VARKEY, CHAKKATDY HOUSE, KIDANGOOR,
ANGAMALY, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT COLLECTORATE, KAKKANAD,
ERNAKULAM-682 030.**
- 2. THE ADDITIONAL DISTRICT MAGISTRATE,
ERNAKULAM DISTRICT COLLECTORATE,
ERNAKULAM-682 030.**
- 3. THE STATION HOUSE OFFICER,
ANGAMALY POLICE STATION, ANGAMALY,
ERNAKULAM DISTRICT-683 572.**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 33056 of 2014 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT RENEWING THE
LICENSE OF THE PETITIONER, DATED 26.06.2012.**
- P2: COPY OF THE APPLICATION FOR RENEWAL OF LICENSE SUBMITTED BY THE
PETITIONER DATED 28.2.2014.**
- P3: THE ACKNOWLEDGEMENT OF APPLICATION ISSUED BY THE OFFICE OF THE
RESPONDENTS DATED 28.2.2014.**
- P4: COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DATED 8.8.2014.**
- P5: COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC NO.28410/2014
DATED 29.10.2014.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 33056 of 2014

Dated this the 7th day of January, 2015

J U D G M E N T

The petitioner is engaged in the sale of 'crackers' and is holder of licence under the Explosive Rules, 2008. Ext.P1 is the licence issued in this regard, which is having validity till 31.03.2014.

2. In terms of the relevant provisions of law, particularly, Rule 112(5), the petitioner preferred Ext.P2 application for renewal of the licence, well within time. But the matter was unfortunately kept in cold storage by the competent authority, by virtue of which, the petitioner was not in a position to pursue the business. The 3rd respondent intervened pointing out that Ext.P1 licence had already expired and that the same was still to be renewed. Since the business is sought to be intercepted, the petitioner has approached this Court, by filing this writ petition, seeking Ext.P2 application to be considered and finalised, within a reasonable time.

3. The learned counsel for the petitioner also brings it to the notice of this Court, that the petitioner had approached this

Court projecting the grievances by way of WP(C) No.28410 of 2014, which was disposed of on 29.10.2014, as per Ext.P5 judgment, whereby the 2nd respondent was directed to finalise the proceedings for renewal of the licence within four weeks. The 2nd respondent has paid only scant regards to the judgment and that the petitioner is being proceeded against by the 3rd respondent, which has given rise to the present writ petition.

4. When the matter came up for consideration before this Court on 10.12.2014, taking note of the interim relief sought for, the following order came to be passed.

"It is submitted that the petitioner's application for renewal of licence has not been rejected. In view of the above, there will be an interim order as prayed. The petitioner shall continue with the activity of sale of explosives for a period of two weeks. The petitioner shall appear before the second respondent on 15.12.2014 at 11 a.m.

Post on 18.12.2014."

5. The learned counsel for the petitioner submits that, the matter is still to be finalised and hence seeks for appropriate direction to the 2nd respondent / competent authority.

6. Heard the learned Government Pleader as well, who points out that, pursuant to Ext.P5 judgment, report of the District

Police Chief had to be obtained and it was called for. On receipt of the report, it was seen that the petitioner was arrayed as an accused in C.C.No.2775/2013 of JFCM-II, Aluva. It is stated that the matter will be considered and finalised within the shortest possible time.

7. After hearing both the sides, the writ petition is disposed of, making the interim order absolute. It is for the concerned respondent to give effect to the direction already given by this Court in Ext.P5 and as such, no further direction is necessary. If there is any wilful negligence or callus inaction on the part of the concerned respondent, it is open for the petitioner to move appropriate proceedings, in accordance with law.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.