

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 37281 of 2015 (I)

PETITIONER :

**SAMEER, S/O.ABOOBACKER,AGED 35 YEARS,
MUTHUKODAN HOUSE, AMBALAKADAVU P.O.,
KALIKAVU, MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S):

- 1. THE ADDITIONAL DISTRICT MAGISTRATE,
CIVIL STATION, MALAPPURAM - 676 505.**
- 2. THE SUB INSPECTOR OF POLICE,
KARUVARAKUNDU POLICE STATION, KARUVARAKUNDU,
MALAPPURAM DISTRICT - 676 523.**
- 3. THE SUPERINTENDENT OF POLICE,
MALAPPURAM - 676 505.**

R1 TO R3 BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 37281 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE LICENSE DATED 04.08.2012 ISSUED BY THE FIRST RESPONDENT**
- P2 - TRUE COPY OF THE FINAL REPORT IN CRIME NO.550/2014 OF KARUVARAKUNDU POLICE STATION.**
- P3 - TRUE COPY OF THE APPLICATION FOR RENEWAL DATED 06.03.2015**
- P4 - TRUE COPY OF THE CHALAN DATED 09.03.2015**
- P5 - TRUE COPY OF THE JUDGMENT DATED 29.07.2015 IN WPC NO.22043/2015**
- P6 - TRUE COPY OF THE JUDGMENT DATED 29.10.2015 IN WPC NO.31933 OF 2015**
- P7- TRUE COPY OF THE LETTER DATED 04.11.2015 ISSUED BY FIRST RESPONDENT**
- P7(A) - TRUE COPY OF THE LETTER DATED 04.11.2015 ISSUED BY SECOND RESPONDENT**
- P7(B) - TRUE COPY OF THE LETTER DATED 04.11.2015 ISSUED BY THIRD RESPONDENT**
- P8 - TRUE COPY OF THE LETTER DATED 21.11.2015 TO THE DISTRICT COLLECTOR, MALAPPURAM BY 3RD RESPONDENT**
- P9 - TRUE COPY OF THE APPLICATION DATED 23.11.2015 WITH POSTAL ACKNOWLEDGMENT CARD**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.37281 of 2015

Dated this the 9th day of December, 2015

JUDGMENT

The petitioner applied for renewal of Explosive Licence. This was not considered originally on account of the pendency of the crime against the petitioner. Therefore, this Court as per the judgment in W.P.(C) No.31933/2015 directed respondents 2 and 3 to issue necessary No Objection Certificate to the petitioner to process the application for renewal. Thereafter, by Ext.P8, the District Police Chief issued a communication to the District Collector, Malappuram stating that the petitioner's present magazine is located in the locality where presence of Maoists is noticed and therefore, it has to be located in a different place. If the petitioner locates the magazine for different place, they will issue No Objection Certificate. Thereafter, the petitioner approached the second respondent expressing his willingness to

relocate the magazine in any place where the second respondent proposes. Ext.P9 is the request of the petitioner.

This Court is of the view that the second respondent shall take appropriate decision on Ext.P9 and point out the place of relocation to the petitioner. This shall be done within ten days. If respondents 2 and 3 are unable to find another suitable place, it is open for them to permit the petitioner to locate magazine in the place originally situated after imposing necessary conditions. It is also open for the petitioner to point out appropriate place for relocating the magazine.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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