

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 38590 of 2015 (W)

PETITIONER :

**REJI KURIAN
S/O.KURIAN, THURUTHIYIL VEEDU,
ALLAPRA KARA
VENGOLA, PERUMBAVOOR.**

**BY ADVS.SRI.SHAJI THOMAS
SRI.BINU PAUL**

RESPONDENT(S) :

- 1. THE DISTRICT MAGISTRATE (DIST. COLLECTOR)
CIVIL STATION, KAKKANADU, ERNAKULAM, PIN-682 030.**
- 2. THE ADDITIONAL DISTRICT MAGISTRATE
CIVIL STATION, KAKKANADU, ERNAKULAM
PIN-682 030.**

R1 & R2 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1- TRUE COPY OF THE LICENSE NO.E/SC/K/21/24 ISSUED FROM DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, GOVERNMENT OF INDIA, PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION TO THE PETITIONER DATED 12.06.2009.
- EXT. P2- TRUE COPY OF THE LICENSE ISSUED BY THE ADDITIONAL DISTRICT MAGISTRATE, ERNAKULAM IN FORM NO.24 VIDE ORDER NO.D.DIS 11056/2009/M4 DATED 02.03.2009.
- EXT. P3- TRUE COPY OF THE LICENSE NO.E/SC/KL/25/49 (E 38795) DATED 27.03.2008 ISSUED BY THE DY. CONTROLLER OF EXPLOSIVES.
- EXT. P4- THE TRUE COPY OF THE ORDER NO.D.DIS. 49910/09/M4 DATED 16.11.2009 PASSED BY THE ADDITIONAL DISTRICT MAGISTRATE.
- EXT. P5- TRUE COPY OF THE ORDER NO.LRA 5-2071/2010 DATED 29.09.2010 PASSED BY THE COMMISSIONER OF LAND REVENUE.
- EXT. P6- TRUE COPY OF THE ORDER DATED 23.06.2011 IN W.P[C] NO.37540 OF 2010 OF THIS HON'BLE COURT.
- EXT. P7- TRUE COPY OF THE ORDER NO.D.DIS/13327/2010/M4 DATED 18.06.2013 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- EXT. P8- TRUE COPY OF THE ORDER DATED 31.05.2014 IN W.P[C] NO.21086 OF 2013.
- EXT. P9- TRUE COPY OF THE EXPLANATIONS DATED 10.07.2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT. P10- TRUE COPY OF THE NOTICE DATED 24.03.2015 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT TO THE PETITIONER.
- EXT. P11- TRUE COPY OF THE HEARING NOTE DATED 07.04.2015 BEFORE THE PETITIONER BEFORE THE 2ND RESPONDENT ADDITIONAL DISTRICT MAGISTRATE, ERNAKULAM.
- EXT. P12- TRUE COPY OF THE AFFIDAVIT DATED 08.04.2015 FILED BY THE PETITIONER BEFORE THE ADDITIONAL DISTRICT MAGISTRATE, ERNAKULAM.
- EXT. P13- TRUE COPY OF THE LETTER DATED 10.10.2014 ISSUED BY THE 1ST RESPONDENT TO THE DISTRICT POLICE CHIEF, ERNAKULAM RURAL.
- EXT. P14- TRUE COPY OF THE REPLY DATED 16.02.2015 ISSUED FROM THE DISTRICT POLICE CHIEF ERNAKULAM RURAL TO THE DISTRICT COLLECTOR ERNAKULAM AS NO.D1(B)50093/2014/E DATED 16.02.2015.

(Contd...)

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- EXT. P15- TRUE COPY OF THE REPORT DATED 23.02.2015 ISSUED BY THE
TAHSILDAR KUNNATHUNADU TO THE 1ST RESPONDENT.
- EXT. P16- TRUE COPY OF THE ORDER DATED 19.05.2015 OF THE ADDITIONAL
SESSIONS COURT, MUVATTUPUZHA IN CRL.APPEAL NO.147/2013.
- EXT. P17- TRUE COPY OF THE NOTICE DATED 24.03.2015 ISSUED TO THE
PETITIONER FROM THE OFFICE OF THE 1ST RESPONDENT.
- EXT. P18- TRUE COPY OF THE JUDGMENT DATED 03.08.2015 IN WP[C]
NO.23326 OF 2015.
- EXT. P19- TRUE COPY OF THE ORDER DATED 03.10.2015 ISSUED TO THE
PETITIONER FROM THE OFFICE OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A. MUHAMED MUSTAQUE, J.

W.P.(C) No. 38590 of 2015

Dated this the 18th day of December, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by the refusal of the respondents to consider the application for renewal of his explosive licence. By Ext.P19 order, the petitioner has been directed to file a fresh application for renewal.

2. It has to be noted that the petitioner's request was considered on an earlier occasion and the respondents made objection for the reason that the petitioner was accused in a crime registered under the provisions of the Explosives Substance Act. The petitioner now refers to Ext.P16 judgment, by which, he has been acquitted of the offence.

3. In that view of the matter, this Court of the view that the direction that the petitioner shall make a fresh application for renewal of explosives licence is

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unsustainable. As it appears that the petitioner is now acquitted, there is no legal impediment under law to consider the application for renewal in accordance with law. It has to be noted that this Court also directed in Ext.P18 to consider the petitioner's application for renewal.

In the light of the above, the application of the petitioner shall be treated as a fresh application for renewal and the same shall be considered in accordance with law. Needful shall be done within a period of one month from the date of receipt of a copy of this judgment. The impugned order is set aside.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE