

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.21423 of 2015

Prabakaran

.. Petitioner

Vs.

1.The Controller of Explosives,
140, Marshalls Road,
Egmore, Chennai.

2.The District Collector,
Namakkal.

3.The Inspector of Police,
Nallur Police Station,
Namakkal District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the third respondent to issue no objection certificate for short fire license by the first respondent and for issuing licence for quarrying operations by the second respondent by considering the representation of the petitioner herein dated 20.04.2015.

For Petitioner

.. Mr.R.Nalliyappan

For Respondents

.. Mr.R.A.S.Senthilvel,

Additional Government Pleader

ORDER

The petitioner made a representation to the third respondent seeking issuance of No Objection Certificate as the same is required for considering his request for the issuance of short fire licence by the first respondent. As the said representation of the petitioner dated 20.04.2015 seeking No Objection Certificate has not been considered by the third respondent, the present writ petition has been filed.

2. When the matter is taken up, the learned Additional Government Pleader appearing for the respondents submitted that there is only one case pending against the petitioner in C.C.No.141 of 2013

on the file of District Munsif cum Judicial Magistrate, Paramathi, for the alleged offence under Sections 147, 148, 294(b), 341, 447 and 506(ii) IPC.

3. It appears that the said case has arisen on a different context. It has got nothing to do with the usage of fire arm. The petitioner sought No Objection Certificate for Short Fire Licence for the purpose of quarrying operation. Mere pendency of the case for the major offence under Section 506(ii) IPC cannot be a ground to decline the issuance of No Objection Certificate. The said alleged occurrence is said to have happened in the year 2011 which is registered as Crime No.222 of 2011. Thus, a direction is issued to the second respondent to issue No Objection Certificate as sought for by the petitioner within a period of four weeks from the date of receipt of a copy of this order.

4. This writ petition stands disposed of accordingly. No costs.

-s/d-

Assistant Registrar(CO)
dt:21/9/2015

True Copy

Sub-Assistant Registrar

raa
To

1.The Controller of Explosives,
140, Marshalls Road,
Egmore, Chennai.

2.The District Collector,
Namakkal.

3.The Inspector of Police,
Nallur Police Station,
Namakkal District.

+1 cc to Mr.R.Nalliyappan Advocte sr.47675
+1 cc to the Government Pleader High Court Madras
sr 48072

W.P.No.21423 of 2015

aa21/09/2015