

In the High Court of Judicature at Madras

Dated: 03.11.2015

Coram

The Honourable Mr.JUSTICE M.M.SUNDRESH

Writ Petition No.34514 of 2015

& M.P.Nos.1 and 2 of 2015

K.Abdas

.... Petitioner

Vs.

1. The Joint Chief Controller of Explosives,
South Circle, 140, Marshalls Road,
Egmore, Chennai - 8,

2. The Deputy Controller of Explosives,
South Circle, 140, Marshalls Road,
Egmore, Chennai - 8.

.... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent which culminated in his proceedings in No.E/SC/TN/24/632(E55132) dated 24.08.20915, quash the same and direct the respondents to renew the license based on the application dated 19.3.2015.

For Petitioner : Mr.M.V.Muralidharan

For Respondents : Mr.S.Pattabiraman, Govt. Advocate

O R D E R

Despite the notice having been served and names printed, none appears for respondents. Against the order dated 19.12.2014 passed by the Secretary, Tourism, Culture and Endowments Department, Government of Tamil Nadu, the petitioner approached this Court and obtained interim order in W.P.No.10253 of 2015. The petitioner in the said writ petition has claimed to be the tenant of the temple. The petitioner thereafter sent a representation to the 1st respondent stating that fire crackers are lying in his shop. Therefore, permission is required to dispose balance quantity of the same. He has also given the specifications of the available fire crackers which is extracted hereunder:

'S.No.	Name of the Items	Kgs	No. of Cartons
1.	Cracker	500	20 Boxes
2.	Caps	50	20 Boxes
3.	Sparklers	150	06 Boxes
4.	Matches	40	5 1/2 boxes
5.	Flower Pot	50	02 Boxes''

2. On a consideration of the said representation made, the 1st respondent has informed the petitioner that he may do so after getting appropriate orders from this Court. Challenging the same, the present writ petition has been filed.

3. As rightly submitted by the learned counsel for the petitioner, what the petitioner now seeks is to dispose of the fire crackers lying in the shop. Admittedly, the issue of renewal of licence is pending consideration with the respondents. The petitioner has to wait for one year if the petitioner has not disposed of the above said crackers during this Diwali season. The 1st respondent has totally misconstrued the request made in the representation the petitioner, wherein the petitioner has sought for passing appropriate orders on the renewal of licence as well as grant permission to dispose of the balance quantity of crackers. The interim order granted by this Court in the writ petition referred earlier protects the possession of the petitioner. Therefore, for such temporary act, there cannot be any valid objection on behalf of the respondents.

4. For the foregoing reasons, the order impugned is set aside and the 1st respondent is directed to give appropriate permission to the petitioner only for the purpose of sale of the fire crackers mentioned above making it clear that unless and until regular renewal of licence is obtained by the petitioner he will not be permitted to sell the fire crackers after the sale of the above said materials, that too, during the Diwali season for which, time is granted till 16.11.2015. It is made clear that this order will not have any bearing on the merits in the pending writ petition or the renewal application pending with the respondents.

5. The writ petition is ordered accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

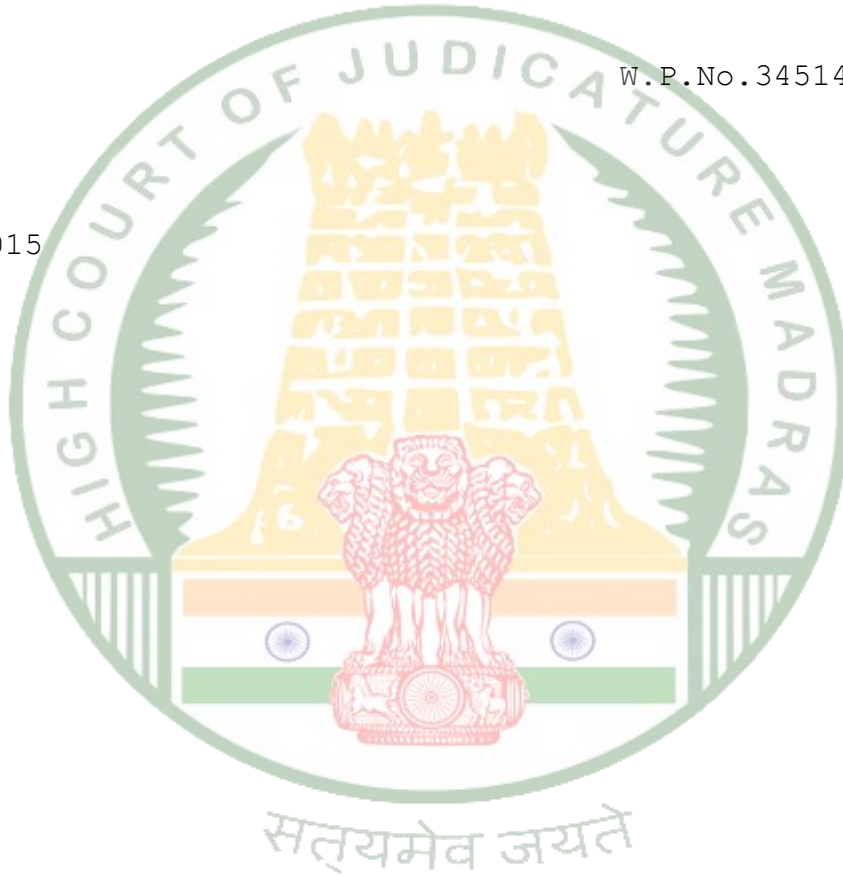
To

1. The Joint Chief Controller of Explosives,
South Circle, 140, Marshalls Road,
Egmore, Chennai - 8,
2. The Deputy Controller of Explosives,
South Circle, 140, Marshalls Road,
Egmore, Chennai - 8.

+lcc to Mr.M.V.Muralidharan, Advocate SR.61031 [5/11/2015]

W.P.No.34514 of 2015

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