

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13..01..2015

CORAM

THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE Mr.JUSTICE M.M.SUNDRESH

W.P. No.34817 of 2007

A.Sait Mohammed

..Petitioner

Versus

1.The Joint Chief Controller Explosives,
South Circle,
No.140, Rukmani Lakshmiipathy Salai,
Egmore, Chennai-600 008.

2.The Chief Controller Explosives,
A-Block, 5th floor, CGO Complex,
Semenary Hills, Nagpoore-440 006.

..Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings No.R4(2)(83)/Appeal/MA4914/E, Nagpur, dated 24.09.2007 duly passed by the Chief Controller Explosives, A-Block, 5th Floor, CGO Complex, Seminary Hills, Nagpur-440 006, the second respondent herein, in conforming the order passed by the first respondent in his proceedings dated 08.12.2006, in Licence No.MA4914E in refusing the licence, quash the same and direct the respondents to renew the licence in licence No.MA4914 E.

For Petitioner :: Mr.D.Ashok Kumar

For Respondents :: Mr.K.Mohanamurali for R1
Standing Counsel

O R D E R

(Order of Court was made by M.M.Sundresh.J.,)

The petitioner was a licence holder in explosives. Based upon the licence obtained in Form 24 of Explosives Rules, 1983, the petitioner was doing business in Door No.41, Bunder Street, Chennai-600 001. An inspection was done by the officers of the Chief

Controller of Explosives, South Circle, Chennai. As many deficiencies were noted, the petitioner was issued with a show cause notice for refusing to renew the explosive licence. The said action was taken in pursuant to the general directions issued by this Court in W.P.No.38180 of 2005. Accordingly, the renewal of licence was declined to the petitioner.

2. An appeal was filed by the petitioner under Rule 169 of the Explosives Act, 1983. After affording an opportunity for personal hearing, the appeal was rejected by taking note of the fact that the fireworks shop of the petitioner did not maintain 15 meters safety distance from the neighbouring shops. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that as no untoward incident was reported from the petitioner's shop and hence, the renewal cannot be refused. A further submission has been made that in view of the passage of time, the present factual position is not forthcoming from the petitioner's side.

4. The learned counsel appearing for the first respondent submitted that the writ petition has become infructuous since by the subsequent orders of this Court, all the fireworks shops were directed to be shifted to an exclusive place earmarked.

5. There is no material placed before us on the factual premise leading to the rejection of the renewal. The impugned orders have been passed taking into consideration the public safety. Therefore, considering the merits of the case as well as the submission made by the learned counsel appearing for the first respondent and the subsequent orders passed by this Court, we do not find any reason to interfere with the orders impugned. Thus, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

raa

To

1.The Joint Chief Controller Explosives,
South Circle,
No.140, Rukmani Lakshmipathy Salai,
Egmore, Chennai-600 008.

2.The Chief Controller Explosives,
A-Block, 5th floor, CGO Complex,
Semenary Hills, Nagpoore-440 006.

+1cc to Mr.K.Mohanamurali, Advocate Sr 2135

MG(CO)
km/27.1.

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