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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No.706 of 2016**

1. Manish Kumar Sahu S/o Late Babulal Sahu, Aged About 50 Years Licence No.1/24/96, R/o Dadi Ma Complex, Banjari Road, Raipur, Distt. Raipur (Chhattisgarh)
2. Smt. Babita Agrawal, W/o Shri Bharat Kumar Agrawal, Aged About 40 Years Licence No. 04/24/ R/2008, R/o Mahadev Ghat Road, Raipur, Distt. Raipur, (Chhattisgarh)
3. Bharat Kumar Agrawal, S/o Late Haricharan Agrawal, Aged About 49 Years Licence No. 01/24/ R/2006, R/o Lalpur, Raipur, Distt. Raipur, (Chhattisgarh)
4. Smt. Padma Thakur, W/o Late Dharendra Singh Thakur, Aged About 50 Years Licence No.1/ R/24/98, R/o Thakur Fataka Bhandar, Ring Road, Raipura Chowk, Raipur, Distt. Raipur, (Chhattisgarh)
5. Ajay Kumar Nayak, S/o Shri Vijay Kumar Nayak, Aged About 47 Years Licence No. 07/24/ R/ 2006, R/o C 1/94, Sector 7, R D A Colony, New Rajendra Nagar, Raipur, (Chhattisgarh)

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home ( Police), Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. District Magistrate, Office Of The Collector, Raipur, (Chhattisgarh)
3. Superintendent Of Police, Raipur, (Chhattisgarh)

---- Respondents

**And****WPC No.647 Of 2016**

1. M/s Devganga Traders Through Its Partner Hemant Tapadia S/o Shri S.C. Maheshwari, Aged About 40 Years, R/o Bairan Bazar, Raipur, District Raipur Chhattisgarh
2. M/s Bansal Crackers Stores, ( Bansal Fatkha Bhandar) Through Its Proprietor Mahesh Agrawal, S/o Shri Murarilal Ji Agrawal, Aged About 45 Years, R/o Badri Para, Raipur Chhattisgarh
3. M/s Ismail Brothers, Through Its Partner Ismail Momammed, S/o Haji Nisar Mohammed, Aged About 56 Years, R/o 41 Gulmohar Park, Laxman Nagar, Raipur District Raipur Chhattisgarh

---- Petitioner

**Vs**

1. State Of Chhattisgarh Thorough Secretary, Departmen Tof Home ( Police )

Mantralaya, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh

2. District Magistrate, Office Of The Collector, Raipur Chhattisgarh
3. Superintendent Of Police Raipur Chhattisgarh

---- Respondent

**And**

**WPC No.708 Of 2016**

1. Chunendra Kumar Sahu S/o Late Moolchand Sahu, Aged About 51 Years Licence No. 1/ 24/93 R/o Sahu Complex, Tikrapara, Raipur, Distt. Raipur (Chhattisgarh)
2. Vikas Nemvani, S/o Shri Mohan Kumar Nemvani, Aged About 32 Years Licence No. 03/24/ R/2011 R/o Telibandha, Gali No. 7, Ravigram Raipur, Distt. Raipur (Chhattisgarh)
3. Jitendra Nemvani S/o Shri Mohan Kumar Nemvani, Aged About 37 Years Licence No. 07/24/ R/2010 R/o Telibandha, Gali No. 7, Ravigram, Raipur, Distt. Raipur (Chhattisgarh)
4. Leeladhar Chandrakar, S/o Shri Sarju Prasad Chandrakar, Aged About 48 Years (Shop At Telibandha Manin Road) Licence No. 02/ R/24/96 R/o B-1, Pavan Vihar, New Rajendra Nagar, Raipur, Distt. Raipur (Chhattisgarh)
5. Abdul Zuber, S/o Shri Abdul Bashir, Aged About 31 Years Licence No. 04/24/ R/2007 R/o Santoshi Nagar, Tikrapara, Raipur, Distt. Raipur (Chhattisgarh)

---- Petitioner

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. District Magistrate, Office Of The Collector, Raipur (Chhattisgarh)
3. Superintendent Of Police, Raipur (Chhattisgarh)

---- Respondent

**And**

**WPC No. 746 Of 2016**

1. Anil Kumar Nemvani S/o Late Teerath Das Namvani, Aged About 46 Years Licence No. 02/ R/24/2012 R/o Shop No. 8 & 9, Anmol Super Bazar, Puraina, Raipur, District Raipur Chhattisgarh
2. Pitamber Kodwani, S/o Late G.M. Kodwani, Aged About 55 Years Licence No. 01/24/ R/2008 R/o Sant Kanwar Ram Chowk, Katora Talab, Raipur, District Raipur Chhattisgarh
3. Aditya Daga, S/o Shri Prem Chand Daga, Aged About 31 Years Licence No. 04/24/ R/2010, R/o C/o Daga Ji Ki Fataka, Dukan, Near Jagannath Temple Gudiya Chowk, Raipur, District Raipur Chhattisgarh

4. Abdul Kadar Mamdani, S/o Shri Haji, Mohd. Yusuf, Aged About 36 Years  
Licence No. 02/24/ Fataka/ 2009 R/o Gol Bazar, Raipur, District Raipur  
Chhattisgarh
5. Haji Mohd. Asif Madani, S/o Shri Haji, Mohd. Yusuf, Aged About 40 Years  
Licence No. 01/24/ R/2007 R/o God Bazar, Advard Road, Raipur, District Raipur  
Chhattisgarh

---- Petitioner

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home ( Police ),  
Mantralaya, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh
2. District Magistrate, Office Of The Collector, Raipur Chhattisgarh
3. Superintendent Of Police Raipur Chhattisgarh

---- Respondent

**And**

**WPC No. 709 Of 2016**

1. Mukesh Rathore S/o Shri Kripasindhu Rathore, Aged About 42 Years Licence  
No. 11/ R/24/2011, R/o Gol Bazar, R.S. Shukla Road, Raipur, Distt. Raipur,  
(Chhattisgarh)
2. Munna Kesharwani, S/o Late Gulabchand Kesharwani, Aged About 48 Years  
Licence No. 02/24/ R/2010, R/o Umesh Cold Drink House, Pahadi Chowk,  
Gudiyari, Raipur, Distt. Raipur, (Chhattisgarh)
3. Ganesh Ram Sinha, S/o Late Shri Ramlal Sinha, Aged About 55 Years Licence  
No. 4/24/2005, R/o Mathpuraina, Raipur, Distt. Raipur, (Chhattisgarh)
4. Rupendra Daga, S/o Shri Ratan Daga, Aged About 29 Years Licence No.  
2/24/2005, R/o Mathpouraina, Raipur, Distt. Raipur, (Chhattisgarh)
5. Gulam Ahmed Bari ( Bari Brothers), S/o Shri Ahmed Hussain, Aged About 53  
Years Licence No. 9/24/90, R/o Shastri Bazar ( Baijnath Para), Raipur, Distt.  
Raipur, (Chhattisgarh)

---- Petitioner

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home ( Police),  
Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. District Magistrate, Office Of The Collector, Raipur, (Chhattisgarh)
3. Superintendent Of Police, Raipur, (Chhattisgarh)

---- Respondent

**And**

**WPC No.715 Of 2016**

1. M/s Ismail Brothers Aged About 56 Years Through Its Partners Ismail Mohammed, S/o Haji Nissar Mohammed, Aged About 56 Years, Licence No. E/c C/c G/sh/3 (E 64705) R/o 41, Gulmohar Park, Ram Nagar, Raipur District Raipur Chhattisgarh
2. M/s Ismail Brothers, Through Its Partner Ismail Momammed, S/o Haji Nissar Mohammed, Aged About 56 Years, Licence No. E/c C/c G/24/66(E6495) R/o Gulmohar Park, Laxman Nagar, Raipur District Raipur Chhattisgarh
3. M/s Star Pyrotechnics, Through Its Partners Ismail Mohammed, S/o Haji Nissar Mohammed, Aged About 56 Years, Licence No. E/c C/c G/24/41 (E 23340) R/o Jawahar Nagar, Mongda Para, Raipur Chhattisgarh
4. M/s Star Pyrotechnics, Through Its Partners Ismail Mohammed, S/o Haji Nissar Mohammed, Aged About 56 Years, Licence No. E/c C/c G/24/40 (E 23135) R/o Jawahar Nagar, Mongda Para, Raipur Chhattisgarh

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home ( Police ), Mantralaya, Mahandi Bhavan, Naya Raipur, District Raipur Chhattisgarh
2. District Magistrate, Office Of The Collector, Raipur Chhattisgarh
3. Superintendent Of Police Raipur Chhattisgarh

**---- Respondents**

**And**

**WPC No.744 Of 2016**

1. M/s Classic Sparklers Through Its Proprietor Dinesh Chandra Taparia, S/o Shri S C Maheshwari, Aged About 44 Years, Licence No. E/ H Q/ C G/ 20/17 (E32202) R/o Opposite Telephone Exchange, Fafadih Chowk, Jai Gopal Society, Raipur, Distt. Raipur (Chhattisgarh)
2. Sagir Ahmed, S/o Late Dabir Ahmed, Aged About 58 Years Licence No. 1/20/ R/2000 R/o Raja Talab, Raipur, Distt. Raipur (Chhattisgarh)
3. Munir Ahmed, S/o Late Dabir Ahmed, Aged About 65 Years Licence No. 5/20/90 R/o Churi Line, Gol Bazar, Raipur, Distt. Raipur (Chhattisgarh)
4. Star Pyrotechnics Fancy Fireworks Manufacturer & Dealer, Through Its Partner Ismail Mohammed, S/o Haji Nissar Mohammed, Aged About 56 Years, Licence No. E/ H Q/ C G/20/11 (E14619) R/o M.G. Road, Dr. Virdi Galli, Mangarapara, Raipur (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. District Magistrate, Office Of The Collector, Raipur (Chhattisgarh)

3. Superintendent Of Police, Raipur (Chhattisgarh)

---- Respondents

And

**WPC No.719 Of 2016**

1. Agrawal Fataka Bhandar Through Its Proprietor Kanhaiya Lal Agrawal, S/o Late Shri Suvalal Agrawal, Aged About 54 Years, Licence No. 07/24/2000, R/o Lakhenagar, Raipur, Distt. Raipur (Chhattisgarh)
2. Shri Ram Fataka Bhandar, Through Its Proprietor Ramavtar Agrawal, S/o Late Shri Suvalal Agrawal, Aged About 50 Years, Licence No. 2/24/2000, R/o Gondvara, Raipur, Distt. Raipur (Chhattisgarh)
3. Vishwas Fataka, Through Its Proprietor Vishwas Agrawal, S/o Late Suvalal Agrawal, Aged About 47 Years, Licence No. 2/24/ R/2008, R/o Badaipara, Raipur, Distt. Raipur (Chhattisgarh)
4. Rajkumar Agrawal, S/o Late Shri Suvalal Agrawal, Aged About 44 Years Licence No. 01/24/ R/2010, R/o Gondvara, Raipur, Distt. Raipur (Chhattisgarh)
5. Jamuna Prasad Yadav, S/o Shri Gopal Prasad Yadav, Aged About 47 Years Licence No. 04/24/ R/2009, R/o Buda Talab, Brahmapuri, Raipur, Distt. Raipur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. District Magistrate, Office Of The Collector, Raipur (Chhattisgarh)
3. Superintendent Of Police, Raipur (Chhattisgarh)

---- Respondent

And

**WPC No.745 Of 2016**

1. M/s Devganga Traders A Partnership Firm Through Its Partner Hemant Taparia, S/o Shri S C Maheshwari, Aged About 40 Years, Licence No. E/ H Q/ C G/21/171 (E40564), R/o 5/425, Ramsagarpara, Ward No. 5, Nemichand Gali, Telghani Naka Chowk, Raipur (Chhattisgarh)
2. Taparia Fireworks Factory, A Partnership Firm Through Its Partner Hemant Taparia S/o Shri S C Maheshwari, Aged About 40 Years, Licence No. E/ H Q/ C G/21/121 (E35234), R/o Station Road, Raipur, Distt. Raipur (Chhattisgarh)
3. M/s Anand Traders, Through Its Partner Abhishek Sharma, S/o Shri Nand Kishore Sharma, Aged About 34 Years, Licence No. E/ H Q/ C G/21/184 (E68187), R/o Village Kapsada, Dharsinva, Raipur, Distt. Raipur (Chhattisgarh)

4. Ramesh Kumar Agrawal, (Bansal Fataka Bhandar) S/o Shri Murarilal Agrawal, Aged About 51 Years Shop At Village Nakta, Mandir Hasoud, Raipur Licence No. E/ H Q/ C G/21/167 (E39509), R/o Badaipara, Raipur, Distt. Raipur (Chhattisgarh)
5. Star Pyrotechnics Fancy Fireworks Manufacturer & Dealer, Through Its Partner Ismail Mohammed, S/o Haji Nissar Mohammed, Aged About 56 Years, Licence No. E/ H Q/ C G/21/76 (E14285) R/o M.G. Road, Dr. Virdi Galli, Mangarapara, Raipur (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. District Magistrate, Office Of The Collector, Raipur (Chhattisgarh)
3. Superintendent Of Police, Raipur (Chhattisgarh)

**---- Respondent**

**And**

**WPC No. 712 Of 2016**

1. Nand Kishore Sharma S/o Shri Damodar Prasad Sharma, Aged About 58 Years Licence No.08/24/2007, R/o Ganjpara, Raipur, Distt. Raipur, (Chhattisgarh)
2. Amit Kumar Sharma, S/o Shri Nand Kishore Sharma, Aged About 32 Years Licence No.01/24/ R/2012, R/o Gondvara, Raipur, Distt. Raipur, (Chhattisgarh)
3. Rajkumar Agrawal, S/o Shri Mishrilal Agrawal, Aged About 48 Years Licence No.13/24/ R/2007, R/o Sivanand Nagar, Raipur, Distt. Raipur, (Chhattisgarh)
4. Hemlal Soni, S/o Shri Gendlal Soni, Aged About 46 Years Licence No. 6/24/91, R/o Gudiyari Bazar, Gudiyari, Raipur, Distt. Raipur, (Chhattisgarh)
5. Smt. Laxmi Soni, W/o Shri Hemlal Soni, Aged About 38 Years Licence No. 2/24/ R/2011, R/o Kabir Nagar, Raipur, Distt. Raipur, (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home ( Police), Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. District Magistrate, Office Of The Collector, Raipur, (Chhattisgarh)
3. Superintendent Of Police, Raipur, (Chhattisgarh)

**---- Respondent**

**And**

**WPC No. 713 Of 2016**

1. Abdul Wahid S/o Shri Abdul Majid, Aged About 43 Years Licence No. 2/24/ R/97, R/o Churi Line, Raipur, Distt. Raipur, (Chhattisgarh)
2. Sanjay Kumar Agrawal, S/o Shri Late Kedar Prasad Agrawal, Aged About 45 Years Licence No. 04/24/ R/2006, R/o Tillu Chowk, Lakhe Nagar, Raipur, Distt. Raipur, (Chhattisgarh)
3. Abdul Fahim, S/o Abdul Majid, Aged About 33 Years Licence No. 10/24/ R/2007, R/o Churi Line, Gol Bazar, Raipur, Distt. Raipur, (Chhattisgarh)
4. Tanveen Ahmed, S/o Shri Habir Ahmed, Aged About 48 Years Licence No.7/24/90, R/o Churi Line, Avard Chowk, Raipur, Distt. Raipur, (Chhattisgarh)
5. Ravikant Agrawal, S/o Shri Ganesh Prasad Agrawal, Aged About 33 Years Licence No.1/24/ R/2013, R/o New Rajendra Nagar, Raipur, Distt. Raipur, (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home ( Police), Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. District Magistrate, Office Of The Collector, Raipur, (Chhattisgarh)
3. Superintendent Of Police, Raipur, (Chhattisgarh)

**---- Respondent**

**And**

**WPC No.727 Of 2016**

1. Dhingani Fireworks Through Its Proprietor Suresh Kumar Dhingani, S/o Late Shri Kashimal Dhingani, Aged About 59 Years, Licence No. E/ C C/ C G/24/44 (E28913) R/o Near Mandi Gate, Pandritarai, Raipur, Distt. Raipur (Chhattisgarh)
2. Rajaram Agrawal, S/o Late Shri Haricharan Agrawal, Aged About 53 Years Licence No. E/ C C/ C G/24/48 (E37549) R/o Fataka & Fataka Bhandar, House No. 25/418, Nayapara, Phool Chowk, Raipur , Distt. Raipur (Chhattisgarh)
3. Ajay Deshmukh, S/o Late Vasudev Rao Deshmukh, Aged About 46 Years Licence No. E/ C C/ C G/24/35 (E8632) R/o Deshmukh General Stores, Gol Bazar, Raipur (Chhattisgarh)
4. O.D. Chourasia, S/o Late Durgaprasad Aged About 75 Years Licence No. E/ C C/ C G/24/22 (E7854) R/o Chhotapara, Raipur, Distt. Raipur (Chhattisgarh)
5. Hussain Ali, S/o Shri H.M. Safdar Ali, Aged About 85 Years Licence No. E/ C C/ C G/24/31 (E7213) R/o Gol Bazar, Peti Line, Raipur, Distt. Raipur (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur (Chhattisgarh)

2. District Magistrate, Office Of The Collector, Raipur (Chhattisgarh)
3. Superintendent Of Police, Raipur (Chhattisgarh)

**---- Respondent**

**And**

**WPC No.728 Of 2016**

1. Ishwari Prasad Namdev S/o Shri Bhagwati Prasad Namdev, Aged About 44 Years Licence No. 1/24/ R/2005, R/o Sanram Das Ram Nagar, Boring Chowk, Gudiyari, Raipur, Distt. Raipur (Chhattisgarh)
2. Pavtendra Singh Thakur, S/o Shri Balram Singh Thakur, Aged About 50 Years Licence No. 9/24/ R/2010, R/o Santoshi Chowk, Kushalpur, Raipur, Distt. Raipur (Chhattisgarh)
3. Omprakash Chourasia, S/o Shri Durga Prasad Chourasia Aged About 75 Years Licence No. 1/ R/24/90 R/o Baijnath Para, Raipur, Distt. Raipur (Chhattisgarh)
4. Pankaj Chourasia, S/o Shri O.D. Chourasia, Aged About 40 Years Licence No. 14/24/ R/2007, R/o Chhotapara, Raipur, Distt. Raipur (Chhattisgarh)
5. Rajesh Agrawal, S/o Shri Manoharlal Agrawal, Aged About 46 Years Lincence No. 5/24/ R/2007 R/o Phool Chowk, Raipur, Distt. Raipur (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. District Magistrate, Office Of The Collector, Raipur (Chhattisgarh)
3. Superintendent Of Police, Raipur (Chhattisgarh)

**---- Respondent**

**And**

**WPC No.813 Of 2016**

1. Ramesh Kumar Agrawal (Bansal Brothers) S/o Shri Murari Lal Agrawal, Aged About 46 Years Licence No. 1/24/2002, R/o Village Daldal, Sivni, Mova, Raipur, Distt. Raipur, (Chhattisgarh)
2. Murari Lal Agrawal, S/o Late Shri Jagal Lalji Agrawal, Aged About 75 Years Licence No.1/24/2000, R/o Village Nakta, Mandir Hasoud, Raipur, Distt. Raipur, (Chhattisgarh)
3. Salam Mohammed, S/o Shri Nisar Mohammed, Aged About 50 Years Licence No. 08/24/ R/ 2010, R/o Peti Line, Gol Bazar, M I G Jawahar Nagar, Raipur, Distt. Raipur, (Chhattisgarh)
4. Shyamlal Thakur, S/o Shri G L Thakur, Aged About 62 Years Licence No. 7/24/91, R/o Ganeshram Nagar, Behind Purana Bus Stand, Raipur, Distt. Raipur, (Chhattisgarh)

5. Mahadev Sahu, S/o Shri Doulat Ram Sahu, Aged About 35 Years Licence No. 02/24/ R/2004, R/o Village Jora, In Front Of Agricultural College, Raipur, Distt. Raipur, (Chhattisgarh)
6. Mohammed Nasim, S/o Shri Mohammed Shabbir, Aged About 34 Years Licence No. 11/24/ R/ 2010, R/o Chudi Line, Raipur, Distt. Raipur, (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home ( Police), Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. District Magistrate, Office Of The Collector, Raipur, (Chhattisgarh)
3. Superintendent Of Police, Raipur, (Chhattisgarh)

**---- Respondent**

**And**

**WPC No.758 Of 2016**

1. K. H. Naaz S/o Shri Hussain Ali, Aged About 60 Years Licence No. 2/24/90, R/o Gol Bazar, Peti Line, Raipur, Distt. Raipur (Chhattisgarh)
2. Bhanu Prasad Shu, S/o Shri Doulatram Sahu, Aged About 40 Years Licence No. 03/24/ R/2007, R/o Bajrang Nagar, Raipur, Distt. Raipur (Chhattisgarh)
3. M/s Devganga Traders, Through Its Proprietors Hemant Tapadia, S/o Shri S C Maheshwari, Aged About 40 Years, Licence No. E/ C C/ C G/24/56 (E42608) R/o Telghani Naka Chowk, Raipur, Distt. Raipur (Chhattisgarh)
4. Smt. Rajia Begam, W/o Shri Sheikh Karim, Aged About 45 Years Licence No. 7/ R/24/1995 R/o Advard Road, Raipur, Dist. Raipur (Chhattisgarh)
5. Devdaman Fataka Bhandar Through Its Proprietors Smt. Sharmila Sharma, W/o Shri Vallabh Sharma, Aged About 46 Years, Licence No. 05/24/ R/2008 R/o Lakhe Nagar, Mahadev Ghat Road, Raipur, Distt. Raipur (Chhattisgarh)
6. M/s Shakeel Ahmed & Brothers, Proprietorship Firm Through Its Proprietor Mohammed Arif, S/o Shri Jamil Ahmed, Aged About 55 Years, Licence No. 29/24/92 R/o Shakeel Ahmed & Brothers, Baijnathpara Chowk, Raipur, Distt. Raipur (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mantralaya, Mahanadi Bhavan, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. District Magistrate, Office Of The Collector, Raipur (Chhattisgarh)
3. Superintendent Of Police, Raipur (Chhattisgarh)

**---- Respondents**

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|                      |   |                                                  |
|----------------------|---|--------------------------------------------------|
| For Petitioners      | : | Smt. Fouzia Mirza with Smt. Smita Jha, Advocates |
| For Respondent/State | : | Shri B. Gopa Kumar, Dy.AG                        |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**C A V Order**

**13/05/2016**

The petitioners, in the aforesaid batch of petitions, by their respective petitions, have assailed legality and validity of the notices issued by the respondent No.2/District Magistrate, Raipur, whereby the petitioners have been directed to shift their manufacturing unit/magazine store/ retail shop from the present location to other places, failing which, licence shall be cancelled.

2. Most of the petitioners in the aforesaid petitions are those, who were granted licence in Form LE-5 as retailers for sale of Fireworks/crackers. The petitioner in WPC No.744/2016 has been granted license in Form LE-1 for manufacturing fireworks. The petitioner in WPC No.745/2016 has been granted in Form LE-3 for magazine storage of crackers. Rest of the petitioners have been granted license as retailers. In all the petitions, challenge has been made by the respective petitioners to notice dated 06-02-2016 issued by the Additional District Magistrate for District Magistrate, Raipur. The notice requires all the petitioners to remove their existing shop from the present location to elsewhere, giving reference to a memorandum of the State Government. The notice states that as per the aforesaid memo of the State Government, it has been directed that if any factory or place where explosive substance is kept or used for sale is not safe from public point of view, appropriate direction is required to be issued to the owner. The notice states that as the shop/store/manufacturing unit is situated in busy and densely populated area of Raipur city, it may cause grave danger to public, therefore, the shop should be shifted to another place, failing which, licence would be cancelled.

It is this notice issued in all the cases, which is under challenge

3. Learned counsel for respective petitioners raised common submission in all the cases, assailing correctness and validity of the aforesaid notice. It has been contended that though title of the letter says that it is a show cause notice but contents of the notice would show that it is emphatic direction to shift the shop, upon formation of an opinion that the continuance of shop is threat to public safety. Respondent-District Magistrate has already taken decision. It is further contended that the competent licensing authority is Controller (Explosive), who has granted licence to the petitioner. Statutory scheme of the Explosive Act, 1884 (In short "the Act") and the Explosive Rules, 2008 (In short "the Rules of 2008"), confers power on the District Magistrate to consider grant of no objection certificate. The Collector-District Magistrate does not have authority to cancel licence. It is next contended that as per rule 115 of the Rules of 2008, no objection certificate could be cancelled by the District Magistrate only upon the objective satisfaction with reference to the provisions contained in clause a, b & c and not other wise as discretionary power is statutorily regulated. Proviso to Rule 115, it is urged, imposes fetter on exercise of power by providing that before cancellation of licence, the licensee shall be given show cause notice and he is also entitled to opportunity of being heard but no show cause notice has been given to the petitioners. As long as the petitioners are fulfilling the statutory terms and conditions prescribed in the Act and the rules and the terms/conditions of licence thereunder, they are entitled to continue their business under the licence. Further submission is that the exhaustive legal framework of the Act and rules, makes exhaustive provision with regard to regulatory measure and it is not open for any authority to impose any condition outside the purview of the Act and the rules. The provisions relating to place and locations, have already been prescribed and there is nothing in the rule that the shop cannot be allowed in densely populated area. By executive direction,

new condition, not provided under the law, cannot be imposed. Referring to letter dated 06-09-2000(Annexure P-4), it is submitted that there is no prohibition of running shop located in the city and town and as long as the licensee runs the shop in accordance with the terms and conditions of the licence and according to the provisions contained in the Act and rules made thereunder. Even the State Government vide its letter dated 30-09-2015 (Annexure P-5) has directed to ensure public safety measures as per rules/regulations without unnecessary harassment to the traders. It is submitted that the considerations in the matter of grant/renewal/cancellation are those, which are exhaustively provided under the provisions of the Act and the rules made thereunder and the statutory licensing conditions. The decision is required to be taken in all the cases with reference to the provisions of law and not on any other considerations. Unless there is allegation of breach of the provisions of the Act and rules, licensing conditions followed by show cause notice preceding cancellation of license/No objection Certificate, no direction can be issued in the manner it has been done in the present case, directing closure of the manufacturing unit/store/retail shop. According to petitioners, the impugned letter is in serious violation of petitioners fundamental right under Article 19(1)(g) of the Constitution of India. As long as law does not prohibit activity only on the ground that it is located in the city or township, by executive fiat, it could not be instructed or directed to be closed on the ground that the shop is located in the city or township. It is further contention of learned counsel for the petitioners that even according to the respondents, though committees were constituted to carry out inspection and submit report, there is no material brought on record to reach satisfaction in terms of provisions contained in clause (c) of Rule 115 of the Rules of 2008. It is submitted that non-submission of report clearly shows that there was no material to form an opinion that it was absolutely necessary for public peace and safety to cancel no objection certificate or licence to carry

the activity at the present place. Moreover, there is no order of cancellation of No objection certificate much less affording reasonable opportunity of being heard. Direction to shift the shops clearly amounts to cancellation of No objection certificate qua present location of shop/store/manufacturing unit. In support of its contention, learned counsel for petitioners relied upon ***Ganpati Singhji v. State of Ajmer and another*, AIR 1955 SC 188, *State of Kerala and others v. P. J. Joseph*, AIR 1958 SC 296, *Siemens Ltd. vs. State of Maharashtra and others*, 2006(12) SCC 33, *N. K. Bajpai vs. Union of India and another*, 2012(4) SCC 653, *G. Sundarrajan vs. Union of India and others*, 2013(6) SCC 620, *Gulf Goans Hotels Company Limited and another v. Union of India and others*, 2014(10)SCC 673 and *Narinder S. Chadha and others vs. Municipal Corporation of Greater Mumbai and others*, 2014 (15) SCC 689.**

4. Per contra, learned State counsel opposed the prayer made in the petitions by submitting that power has been exercised by the District Magistrate in the larger public interest of safety. It is submitted that the petitioners are carrying on business in explosive/public works under license granted to them. It is submitted that as accident had happened at various places in other parts of the country, the District Magistrate constituted a committee to carry out inspection at different location in the city. After having made enquiry and receipt of various reports, satisfaction was arrived at that continuance of shops, manufacturing unit, magazine store at the present location which are situated in busy and populated area, is threat to public safety, therefore, bonafide decision was taken by the competent authority directing the petitioners to shift the shop in exercise of powers under Section 6E(3)(b) of the Act read with Rule 115(1) (c). It is next contended that the title of notice reflects that it is show cause notice only. If the petitioners had any grievance, they could represent to the

competent authority but without submitting any reply to the show cause notice awaiting final orders, the petitioners have rushed to this Court, therefore, the petitions are pre-mature and not maintainable, because it being only preferred against show cause notice. It is next contended that the petitioners have alternative remedy of filing an appeal under the Act which has not been taken recourse to and for this reason also, the petitions are liable to be dismissed. It is submitted that the right to carry on business is regulated by the Act and the rules made thereunder. If in the interest of public safety, the decision has been taken to direct the petitioners to shift their shops from the present location to elsewhere, no fault can be found in such a decision. According to learned State counsel, perception of threat to public safety is a matter of subjective satisfaction of the competent authority and once decision has been taken after making due enquiry and show cause notice has been issued to the petitioners, the petitions are liable to be dismissed. Further submission of learned State counsel is that more than one petitioners have joined in one petition, though the location of their shop and date of their licence are different, therefore, all these petitions are not maintainable. It was also submitted by learned State counsel that the time, when these petitions are filed, the petitioners had licence existing in their favour but during the pendency of these petitions, their licence have expired on 31-03-2016, therefore, the petitioners are not entitled to any direction in the matter and all the petitions are liable to be dismissed. Preliminary objection has been taken by learned State counsel that the petitions are directed against show cause notice only, therefore, the petitions are not maintainable.

5. In order to appreciate this submission, it would be apposite to closely examine the contents of notice as to whether the respondents have only issued notice to the petitioners to show cause against any proposed action or it is a case of premeditated mind and the authority having already pre-judged the

issue so as to say that show cause notice is an empty formality. A perusal of show cause notice which is similar in all the cases would at once reveal that giving reference to State Government's letter dated 18-09-2015 and taking into consideration the incident of accident having taken place at Jhabua (MP) on 12-09-2015, it proceeds to record satisfaction that the place of business of the petitioners having been situated in the populated/dense area of city, is likely to cause threat to public safety. The notice categorically and emphatically directs the petitioners to shift their shops elsewhere and inform the office, failing which, their licence shall be cancelled. On the face of it, the notice is not a show cause notice requiring the petitioners to file their reply on any proposal to cancel licence/No objection Certificate in terms of provisions contained in either Section 6(E) of the Act and Rule 115 of the Rules of 2008. The notice commands the petitioners to shift their shops. The notice clearly shows that the respondent authority formed an opinion and taken decision to direct shifting the shop of the petitioners. This Court, therefore, is unable to accept this contention of learned counsel for the respondents that it is merely a show cause notice. The notice though termed as "show cause notice", on logical reading, is an order/command to the petitioners to shift the shops that too by 15-03-2016. What is then left to be decided? The notice not even requires the petitioners to file any reply. It only requires the petitioners to close the shop and shift elsewhere. The notice shows that if shop is not shifted by 15-03-2016, licence of the petitioners shall be cancelled. The notice, by no stretch of imagination, can be said to be a show cause notice. Legal position in this regard is well settled in plethora of decisions of the Supreme Court. Reference of few of them would be necessary at this stage.

6. In the case of ***M/s. Siemens Ltd.*** (*supra*), the Supreme Court examined the similar issue that in such a situation, when show cause notice is issued, which creates an impression that the authority has already prejudged the issue,

the proceedings become empty formality. In the aforesaid factual context, the Supreme Court held:-

11. “The said principle has been followed by this Court in [V.C. Banaras Hindu University and Ors. v. Shrikant](#) [2006 (6) SCALE 66], stating:

“The Vice Chancellor appears to have made up his mind to impose the punishment of dismissal on the Respondent herein. A post decisional hearing given by the High Court was illusory in this case.

In *K.I. Shephard & Ors. etc. etc. v. Union of India & Ors.* [AIR 1988 SC 686], this Court held :

“It is common experience that once a decision has been taken, there is tendency to uphold it and a representation may not really yield any fruitful purpose.”

12. [See also [Shri Shekhar Ghosh v. Union of India & Anr.](#) 2006 (11) SCALE 363 and [Rajesh Kumar & Ors. v. D.C.I.T. & Ors.](#) 2006 (11) SCALE 409]

13. A bare perusal of the order impugned before the High Court as also the statements made before us in the counter affidavit filed by the respondents, we are satisfied that the statutory authority has already applied its mind and has formed an opinion as regards the liability or otherwise of the appellant. If in passing the order the respondent has already determined the liability of the appellant and the only question which remains for its consideration is quantification thereof, the same does not remain in the realm of a show cause notice. The writ petition, in our opinion, was maintainable.”

7. In a subsequent decision in the case of ***Oryx Fisheries Private Limited*** (supra), similar issue came up for consideration before the Supreme Court where the Supreme Court taking note of the requirements and emphasizing upon the requirements of show cause notice, held that a quasi-judicial authority, while acting in exercise of its statutory power, must act fairly and must act with an open mind while initiating a show cause proceeding. It was propounded that the show cause proceedings is meant to give the person proceeded against, a reasonable opportunity of making his objection against the proposed charges indicated in the notice. On facts, it was found in that case that from the show cause notice, the authority has administered close mind at the stage of show cause notice itself and therefore, such close mind is inconsistent with the statutory scheme. The Supreme Court held as under :

32. “Therefore, while issuing a show-cause notice, the authorities must

take care to manifestly keep an open mind as they are to act fairly in adjudging the guilt or otherwise of the person proceeded against and specially when he has the power to take a punitive step against the person after giving him a show cause notice.”

The principle that the justice must not only be done but it must eminently appear to be done as well was also emphasized, as below:-

**33.** The principle that justice must not only be done but it must eminently appear to be done as well is equally applicable to quasi judicial proceeding if such a proceeding has to inspire confidence in the mind of those who are subject to it.

8. In view of the aforesaid analysis, facts and circumstances, objection to the maintainability of the petitions on the ground that the petitions are directed against show cause notice, is liable to be rejected.

9. Law makers of the country keeping in view larger public interest and to ensure public safety have enacted Explosive Act to regulate the activity of manufacture/storage/sale and purchase of explosive of different category including fireworks/crackers, which are used in various celebrations, functions or festivals. Trade and business in explosive and fireworks is subject to reasonable restriction imposed by law. Legal framework of the Explosive Act regulates and imposes restrictions on manufacture/storage/sale of explosive of all kind including fireworks/crackers. In order to carry out object and purpose of the Explosive Act, Rules have been framed from time to time by the rule making authority in exercise of power under the Act.

10. In exercise of powers conferred by Sections 5 & 7 of the Explosive Act, 1884 and in supercession of Explosive Rules, 1983, except as respect of things done or omitted to be done before such supercession, the Central Government has enacted rules known as Explosive Rules, 2008 published in official gazette of Government of India on 31-12-2008 and having come into force on the said date. The provisions of the Act and the rules provide complete statutory framework, exhaustively dealing with every aspect and regulate manufacture/possession/use/sale/transportation/import and export of explosives

and a very wide definition of 'explosive' has been provided under Section 4(d) which means amongst other things, fireworks. Section 6(B) deals with grant of licence. Section 6(C) enumerates circumstances when licensing authority shall refused to grant licence under the Act. Section 6(D) provides that the license granted under Section 6(B) may contain in addition to prescribed conditions such other conditions as may be considered necessary by the licensing authority in any particular case. Section 6(E) makes provision regarding variation, suspension and revocation of licence. Section 6(E) of the Act, relevant for the purpose of the present case, is extracted hereinbelow:-

**“6-E Variation, suspension and revocation of licences.---**(1) The licensing authority may vary the condition subject to which a licence has been granted except such of them is have been prescribed and may for that purpose require the holder of licence by notice in writing to deliver-up the licence to it within such time as may be specified in the notice.

(2) The licensing authority may, on the application of the holder of a licence, also vary the conditions of the licence except such of them as have been prescribed.

(3) The licensing authority may, by order in writing, suspend a licence for such period as it thinks fit or revoke a licence, -

(a) if the licensing authority is satisfied that the holder of licence is prohibited by this Act or by any other law for the time being in force to manufacture, possess, sell, transport, import or export any explosives, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for the licence; or

(d) if any of the conditions of the licence has been contravened; or

(e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence.

(4) The licensing authority may also revoke a licence on the application of the holder thereof.

(5) Where the licensing authority makes an order varying the conditions of a licence under sub-section (1) or an order suspending or revoking a licence under sub-section (3), it shall record in writing the reasons therefor and furnish to the holder of the licence on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

(6) A court convicting the holder of a licence of any offence under this Act or the

rules made thereunder may also suspend or revoke a licence:

Provided that if the conviction is set aside on appeal or otherwise, the suspension or revocation shall become void.

(7) An order of suspension or revocation under sub-section (6) may also be made by an appellate court or by the High court when exercising its powers of revision.

(8) The Central Government may, by order in the Official Gazette, suspend or revoke, or direct any licensing authority to suspend or revoke, all or any licences granted under this Act throughout India or any part thereof.

(9) On the suspension or revocation of a licence under this section the holder thereof shall without delay surrender the licence to the authority by whom it has been suspended or revoked or to such other authority as may be specified in this behalf in the order of suspension or revocation."

From the aforesaid provision, there is no doubt that the licensing authority has power and competence to vary, suspend or revoke the licence on any of the grounds stated in clause a, b, c, d and e of sub-section(3) thereof.

11. According to Section 6-B of the Act, the authority competent to grant licence/revoke/suspend license is one prescribed under the rules made under the Act.

12. The authority competent to grant/suspend/revoke or cancel the licence, the authority competent to grant No objection Certificate for the purpose of grant of license, procedure regulating exercise of such powers of the licensing authority and the competent authority for grant of No objection certificate have been specified and prescribed under the rules referred to hereinabove. Sub rule (30) of Rule 2 of the Rules of 2008 defines licensing authority to mean authority empowered to issue licence or certificate or permit specified in Part 1 of Schedule IV.

Chapter II makes elaborate provision with regard to classification, categorization and authorisation of explosives. Rule 5 provides for safety distance depending upon the category of explosives. Sub rule (3) thereof provides that safety distance shall be followed as per tables specified in Schedule VIII.

Under Chapter III, Rule 7 provides that no person shall manufacture, import, export, transport, possess for sale or use an explosive except as authorized or licensed under these rules. Provision relating to general restrictions on manufacture, import, export, transport, delivery, handling, employment of children and keeping of toxic, corrosive or flammable substances have been made. Special precautions against accident have been specified in Rule 19 of the Rules of 2008.

Special precautions have been made for manufacture of explosive in Chapter IV and exhaustive rules in respect thereof have been made and it regulates approval of manufacturing process, submission of plan. Rule 27 makes provision with regard to buildings to be used for specified purpose only. Interior of buildings, restriction of articles liable to spontaneous ignition, use of special tools and implements and exhibition of particulars. Exhaustive rules requiring training of personnel, equipment facilities for testing, requirement of samples for testing, stoppage of manufacture process of explosives, exclusion from the list of authorized explosives and disposal of waste explosives, have been made.

Chapter V contains special provision with regard to import or export of explosives general whereas Chapter VI contains special provisions with regard to transportation of explosives general.

Chapter VII contains special provisions with regard to possession, sale and use of explosives general. Rule 71 amongst other things, provides that a person holding licence for possession of explosives shall store explosives only in premises specified in the licence. Other provisions regulate the manner of storage to ensure security and safety. Quantity, in which, the licensed person is authorized to store explosives have already been regulated. Rule 78 provides for construction of magazine store house or shop. Rule 82 makes provision with regard to store house for fireworks or safety fuse. Safety distance required to be

maintained have been provided in Rule 86 in respect of factory, magazine, shop and store house or shop.

Various regulatory provision with regard to precautions to be observed at site have also been provided.

Chapter VIII makes elaborate provision with regard to grant or refusal of approval, No objection Certificate, licence, certificates, amendment, transfer and renewal. Rule 99 provides that licence and certificates for specific purposes may be granted by the authorities specified in Part 1 of Schedule IV. Rule 101 makes provision with regard to prior approval before construction. Provision has been made for grant of no objection certificate before construction, procedure to be observed for issue of no objection certificate and for grant of licence. These provisions are very elaborate, exhaustive and regulate each and every step till grant of licence by the competent licensing authority. The rules ensure construction at appropriate place and the building is to be constructed in the manner prescribed under the rules with all safety measures maintaining safety distance prescribed under the rules. Rule 105 provides that after the construction of premises is complete, application may be made for grant of licence along with relevant documents as stated in Rule 113. Grant of licence and certificates have been regulated in the provisions contained in Rule 107. While Rule 108 provides for transfer of licence, Rule 109 authorises competent authority to amend licence and at the same time allows licensee also to seek amendment of his licence. Rule 112 provides for renewal of licence. The documents which are required to be annexed for approval and grant of licence have been exhaustively provided in Rule 113. Rule 114 makes provision with regard to refusal to grant approval or licence. Importantly, Rule 115 provides for cancellation of no objection certificate, Rule 116 provides for refusal or renewal of licence and Rule 117 prescribe restriction on quantity or period. Another important provision is contained in Rule 118 which makes provision with regard

to suspension and revocation or cancellation of licence.

13. Rule 115 and Rule 118 of the Rules of 2008 being relevant for the present case are set out as below:-

**“115. Cancellation of no objection certificate.—**(1) No objection certificate granted under rule 103, may be cancelled by the authority issuing the same or authority superior to it, if such authority is satisfied, that—

(a) the licensee has ceased to have any right for the lawful possession over the licensed premises;

(b) the licensee is convicted and sentenced for any criminal offence or ordered to execute under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974), a bond for keeping peace for good behaviour;

(c) the cancellation of no objection certificate is absolutely necessary for public peace and safety:

Provided that before cancellation of the no objection certificate, the licensee shall be given a reasonable opportunity of being heard.

(2) The authority issuing the no objection certificate or the District Magistrate or the State Government cancelling no objection certificate shall record, in writing, the reasons for such cancellation and shall immediately furnish to the licensee and the licensing authority concerned, copy of the order cancelling the no objection certificate and the reason for such cancellation.

(3) In case an appeal is made against the cancellation of no objection certificate, the appellate authority may consult, if so desired, the Chief Controller.

**118. Suspension and revocation or cancellation of licence.—**(1) Every licence granted under these rules shall—

(I) stand cancelled, if—

(a) the licensee has ceased to have any right for the lawful possession over the licensed premises;

(b) the licensee is convicted and sentenced under any criminal offences or ordered to execute under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974), a bond for keeping peace for good behaviour.

(II) stand cancelled, if the no-objection certificate is cancelled by the authority issuing the same or District Magistrate or the State Government in accordance with rule 115.

(III) be liable to be suspended or cancelled by an order of the licensing authority for any contravention of the Act or these rules or of any condition contained in such licence, or by order of the Central Government, if it is satisfied that there are sufficient grounds for doing so:

Provided that before suspending or cancelling a licence under this rule, the holder of the licence shall be given an opportunity of being heard.

(2) The suspension or cancellation shall take effect from the date specified therein.

(3) An order of suspension or revocation of a licence shall be deemed to have been served if sent by post to the address of the licensee entered in the licence.

(4) The suspension of a licence shall not debar the holder of the licence from applying for the renewal.

(5) Notwithstanding anything contained in sub-rule (1), an opportunity of being heard may not be given to the holder of the licence before his licence is suspended or cancelled in cases—

(i) where the licence is suspended by a licensing authority as an interim measure for violation of any of the provisions of the Act or these rules or of any conditions contained in such licence and in his opinion such violation is likely to cause imminent danger to the public:

Provided that where a licence is so suspended, the licensing authority shall give the holder of the licence an opportunity of being heard before the order of suspension is confirmed; or

(ii) where the licence is suspended or cancelled by the Central Government, if that Government considers that in the public interest or in the interest of the security of the State, such opportunity should not be given.

(6) A licensing authority or the Central Government suspending or cancelling a licence shall record its reason for so doing in writing.”

14. A perusal of the aforesaid provision relating to cancellation of no objection certificate provides that no objection certificate granted under Rule 103 may be cancelled by the authority issuing the same or authority superior to it on satisfaction with regard to conditions specified in clause-a, b & c. It is important and relevant to note that the manner of exercise of power is regulated procedurally also by providing in no uncertain terms under proviso to Rule 115 that before cancellation of no objection certificate, the licensee shall be given a reasonable opportunity of being heard.

15. Similarly Rule 118 also provides that the circumstances and conditions under which, licence stands cancelled or is liable to be suspended or cancelled. It provides inter alia that licence may be suspended or cancelled by an order of the licensing authority for any contravention of the Act or the rules or of any condition contained in such licence by order of the Central Government upon satisfaction that there are sufficient grounds for doing so. Again, proviso to rule 118 contains procedural safeguard that before suspension or cancellation of licence, the holder of the licence shall be given an opportunity of being heard.

16. Provisions of the Act read with rules, particularly provisions referred to hereinabove, leave no manner of doubt that the Explosive Act and the rules

made thereunder make very elaborate and exhaustive provisions regulating trade and business of explosives of various categories including fireworks, grant of no objection certificate/licence as also for revocation or suspension thereof. Each and every minute details have been contained in the rules and schedules appended thereto with regard to safety measures required to be adhered to in the matter of manufacture, store, sale, transport, export, import of explosives. These safety regulatory provisions under the Act and the rules constitute complete self contained code under the exhaustive legal framework. These provisions have been made in the interest of public at large to ensure that any trade or business of explosive does not take place except under the licence, for grant of which, elaborate procedure keeping in mind all safety precautions, have been made.

17. What triggered the respondent authorities to issue impugned notices to the petitioners to shift their manufacturing unit/store (magazine) or shop, is memo issued by the government on 18-09-2015 (Annexure P-2), which instructed all the District Magistrate, giving reference to an accident which occurred in the State of Madhya Pradesh. The instructions were issued in accordance with the regulatory provisions contained in the Act and the rules made thereunder. Para 11 of the aforesaid memo stated that if any place, where the explosive substance is stored or sold, does not ensure public safety, then appropriate direction may be issued to the owner of the factory to remove the shortcomings. The memo issued by the government only seeks to ensure that the provisions of the Explosive Act and the rules made thereunder are strictly followed.

In continuation of earlier circular issued by the State Government on 18-09-2015, the State Government again issued a direction on 30-09-2015 (Annexure P-5) that instructions issued under circular dated 18-09-2015

directed strict compliance of the aforesaid provisions to be maintained. The State Government, however, clarified that the small shopkeepers engaged in trade or business of crackers be not unnecessarily harassed.

18. If in a given case, the authority competent to grant No objection Certificate was of the view that the no objection certificate granted to the petitioner, on the basis of which, the petitioners were granted licence by the licensing authority, was required to be cancelled for any of the reasons stated in clause-a, b or c of Rule 115, before cancellation of no objection certificate, the petitioners/licensee were entitled to reasonable opportunity of being heard. However, nothing has been placed on record by the respondents that the District Magistrate or any other authority competent to cancel no objection certificate initiated any proceedings by issuing show cause notice as required under Rule 115 of the Rules of 2008 after having arrived at satisfaction required under the law, affording the petitioners, opportunity of hearing. There is no order placed on record to show that no objection certificate in respect of any of the petitioners has been cancelled by the competent authority in terms of Rule 115.

19. Similarly, there is no material on record to show that the competent licensing authority has passed an order, following the procedure prescribed under Rule 118, canceling, suspending or revoking the licence of any of the petitioners. There is nothing on record to show that the licensing authority had given any show cause notice to the petitioner, obtained their reply and thereafter, passed any statutory order in terms of Rule 118.

20. Without following all the provisions prescribed in the Rules, what the District Magistrate has done in the present case is that it directed the petitioners to change the location of the shops by recording that the shops are required to be removed in public safety. This virtually amounts to cancellation of no objection certificate and the licence of the petitioner qua the place where they were granted statutory licence under the provisions of the Act and the rules

made thereunder. This drastic action, in effect, amounts to cancellation of no objection certificate as well as cancellation of licence of the petitioner without following the procedure contained in Rule 115 or the provisions contained in Rule 118 of the Rules of 2008 much less affording opportunity of hearing to the petitioners.

21. In other words, notice given to the petitioners to shift their shops/manufacturing unit or storage place is not in accordance with the procedure prescribed under the regulatory provisions of the Act and the rules referred to above. There is nothing on record which shows that the competent licensing authority has altered the terms and conditions of the licence granted in favour of each of the petitioners.

22. Learned State counsel sought to justify the action by submitting that in order to ensure public safety, enquiry was held by constituting various committees to submit a report. However, the report submitted before this Court by the respondents contains nothing to come to the conclusion that the licence and no objection certificate of the petitioners were liable to be cancelled or terms of the licence was liable to be altered with reference to the place of manufacturing/storage or sale. Order dated 14-09-2015 (Annexure R-2) shows that the enquiry was ordered by constituting a committee to carry out inspection and submit report. The enquiry report (Annexure R-3) hardly constitutes material to come to the conclusion that any of the licence had contravened the terms and conditions of the licence or mandatory provisions of the Act or the Rules. There is a letter of the City Superintendent of Police, placed on record as Annexure R-4, which records that the shops are situated in the main market area and in case of accident, it is difficult for the fire brigade to reach at the spot and there is likelihood of loss to public. None of the material placed before this Court show that any of the licensee have violated the terms and conditions of the licence or provisions of the Act and the rules made thereunder. In any case,

unless proper opportunity of hearing was afforded by issuing show cause notice in terms of Rule 115 or 118 of the Rules of 2008, it was not permissible under the law to issue direction to each of the licensee to shift their shops elsewhere.

23. The impugned notice are in excess of jurisdiction and authority conferred under the law in the matter of cancellation of no objection certificate or cancellation/suspension/revocation of licence.

24. As an upshot of above discussion, it has to be held that the impugned notices issued in each case of petitioners in aforesaid writ petitions are illegal and unsustainable in law and consequently quashed. In view of the submission made that during the pendency of petition, the period of licence has come to an end, the petitioners would be at liberty to apply for renewal of licence, if not already applied and if they wish to do so, which the competent licensing authority shall consider in accordance with law. It is, however, made clear that the impugned notices or reasons assigned therein shall not be made a basis to reject the renewal of licence.

25. Accordingly, all the petitions are allowed. No order as to costs.

Sd/-

**Manindra Mohan Shrivastava**  
Judge