

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19234 of 2016

J.Jaganathan

... Petitioner

Vs.

1. The Chief Controller of Explosives
Petroleum and Explosives Safety Organization (PSPO)
(Formerly Department of Explosives)
5th Floor, A-Block, CGO Complex
Nagpur-440006
2. The Joint Chief Controller of Explosives
Petroleum and Explosives Safety Organization (PSPO)
A&D Wing, block-1-8 II Floor
Shastri Bhavan 26 Haddows Road
Nungambakkam Chennai-06
3. The District Collector
Collectorate, Perambur
4. The District Revenue Officer
Collectorate Campus, Perambalur
5. The District Superintendent of Police
Perambalur District, Perambalur
6. The Revenue Divisional Officer
Perambalur, Perambalur District
7. The Tahsildar
Perambalur,
Perambalur District
8. The Inspector of Police
Padalur Police Station,
Perambalur District
9. S.Venkatesh
10. M.Selvaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution
of India, praying for issuance of a Writ of Mandamus to direct

the first and second respondents to cancel the Licence issued to M/s. Shri Ranga Explosives vide Licence No E/ HQ/ TN/ 22/ 455 (E83124) dated 18.03.2015 (Occupier Shri.S.Venkatesh) and consequently direct the 5th and 8th respondents to take action against 9th and 10th respondents for misuse of the Licence.

For Petitioner : Mr.M.Rajendiran

For RRv3 to 8 : Mr.R.A.S.Senthilvel,
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims to be one of the partners of the Firm, by name Sri Ranga Explosives and it prima facie appears that inter se partnership dispute between the petitioner and the respondents 9 and 10. The 2nd respondent has also issued a Show Cause Notice dated 12.05.2016 to the Partnership Firm, viz., Sri Ranga Explosives, in which the petitioner and respondents 9 and 10, who are claiming to be the partners, with regard to certain violation of the license granted to them in Form No.LE-3 of the Explosives Rules. The petitioner had also approached the 2nd respondent in the form of representations dated 05.05.2016 and 07.05.2016 praying for cancellation of the said license and since no orders have been passed, the petitioner came forward to file the present writ petition.

3. The learned counsel for the petitioner would submit that the private respondents 9 and 10 are guilty of violation of the relevant provisions of the Explosives Act and Rules framed thereunder as well as the conditions of the license and therefore, the license granted in favour of the Firm, viz., Shri Ranga Explosives, is to be cancelled and prays for appropriate orders.

4. Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents 3 to 8 would submit that from the averment it appears to be that of a Partnership dispute and this Court may dispose of the writ petition accordingly.

5. This Court considered the rival submissions and also perused the materials placed before it.

6. It prima facie appears that the petitioner wants to settle inter se Partnership dispute through his representation and it is clearly impermissible. The petitioner has also

brought to the knowledge of the 2nd respondent with regard to certain irregularities / illegalities in the form of representations dated 05.05.2016 and 07.05.2016. It is for the 2nd respondent to take cognizance of the said representations, if it is permissible under the Explosives Act or Rules framed thereunder and if it is so, the said official can proceed in accordance with law.

7. The writ petition is dismissed with the above observation. No costs. Consequently connected WMP.16717 of 2016 is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

AP

To

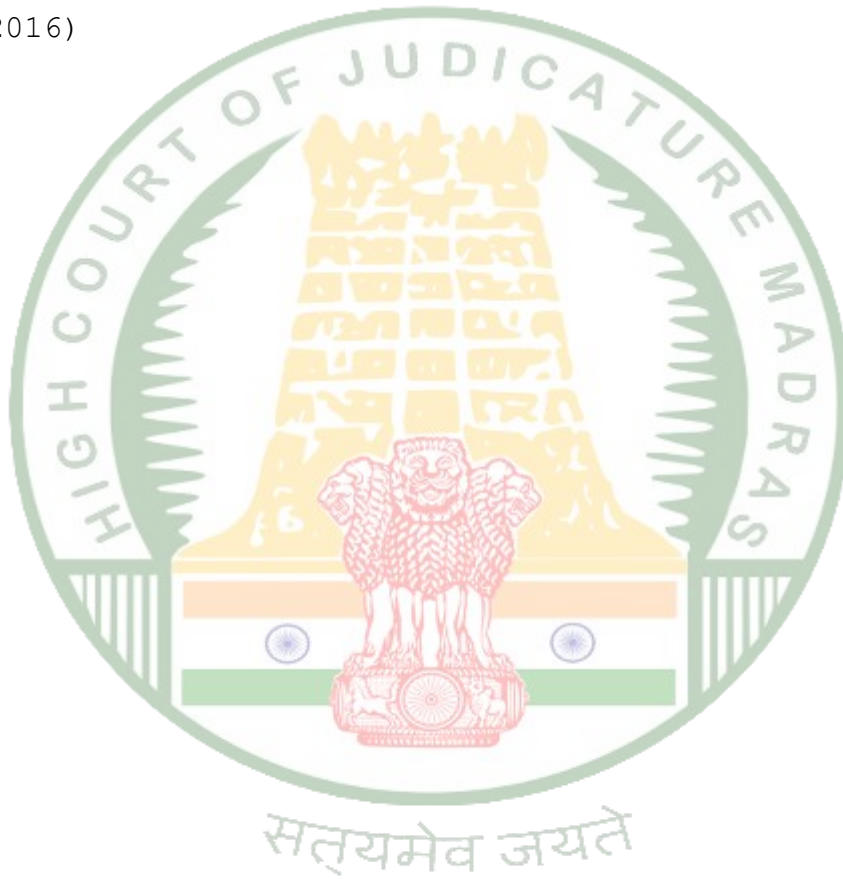
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8. The Inspector of Police
Padalur Police Station,
Perambalur District.

+1cc to Mr.M.Rajendiran, Advocate, S.R.No.31463
+1cc to the Government Pleader, S.R.No.30897

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