

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. No. 31236 of 2015

and

MP No. 1 of 2015

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T.K.H. Naina Mohammed  
having Shop No.370/1, (I) Nehru Bazaar  
Minjur, Ponneri Taluk  
Thiruvallur District .. Petitioner

Versus

The District Revenue Officer cum  
Additional District Magistrate  
Office of the Collectorate  
Thiruvallur ... Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the respondent bearing O.Mu.No.26339/2010/M-6 dated 04.03.2015 and quash the same and consequently direct the respondent to renew the petitioner's license bearing License No.04/2014 in Form LE-5 to the petitioner's cracker shop situated at Door No.370/1 (I) Nehru Bazaar, Minjur, Ponneri Taluk, Thiruvallur District for the year 2015.

For Petitioner : Mr. H. Rajasekar

For Respondent : Mr. A. Kumar

Special Government Pleader

ORDER

The petitioner seeks to quash the order dated 04.03.2015 of the respondent, in and by which, the application submitted by the petitioner for renewal of his cracker shop licence was rejected. In the order of rejection dated 04.03.2015, it was stated that the proposed place where the cracker shop is to be situate is not safe especially when it is situate in a busy place near the bus stand. It was further stated that there are no two entrance provided in the proposed shop as required so that in times of exigency, the general public cannot exit from the shop.

2. The learned counsel for the petitioner would submit that the licence issued to the petitioner to run a cracker shop was in force and even during last year, he has conducted such business. However, by the present impugned order, the licence sought for by the petitioner was refused. The learned counsel for the petitioner submits that now the petitioner has provided and/or facilitated two entrance to the proposed shop and therefore, he prayed for issuing appropriate direction to the respondent to consider his claim for renewing the licence before the ensuing Deepavali festival.

3. The learned Special Government Pleader would only contend that the impugned order was passed after conducting an inspection.

4. I heard the learned counsel for both sides and perused the materials placed on record. The impugned order of rejection came to be passed mainly on the ground that the petitioner has not fulfilled one of the conditions to provide two entrance to the proposed cracker shop. It is now submitted by the learned counsel for the petitioner that the petitioner has provided and/or facilitated two entrance to the proposed shop and therefore his claim for renewing licence may be considered afresh.

5. Having regard to the above facts and circumstances, the petitioner is directed to submit a fresh application seeking renewal of licence to the respondent forthwith and on receipt of the same, the respondent is directed to consider it and pass orders on merits and in accordance with law, preferably before 25.10.2016 and to communicate the same to the petitioner forthwith.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

-s/d-

Assitant Registrar

True Copy

Sub-Assistant Registrar

rsh

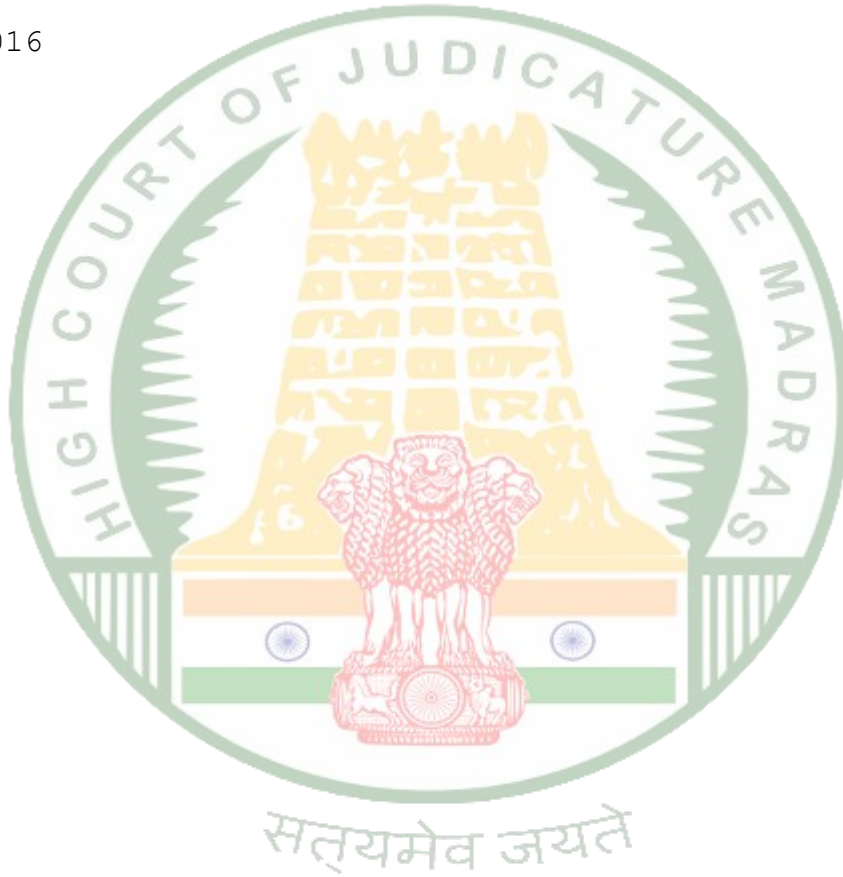
To

The District Revenue Officer cum  
Additional District Magistrate  
Office of the Collectorate  
Thiruvallur

+1 cc to Mr.H.Rajasekar Advocate sr 59219

WP No. 31236 of 2015

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