



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. [MD].No.10785 of 2016

and

W.M.P. (MD)No.8375 of 2016

M/s.Sri Sumangali Super Market,
Rep. by its Managing Partner
S.Subban

: Petitioner

Vs.

1.The Commissioner of Police,
Tiruchirapalli.

2.The Inspector of Police,
Cantonment Police Station,
Tiruchirapalli.

3.R.1261, The Tamil Nadu Co-operative
Housing Society Ltd.,
Rep. by its Secretary,
Tiruchirapalli.

: Respondents

PRAYER: Writ Petition is 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 first respondent in Na.Ka.No.M1/4601/2016, dated 03.05.2016, quash the same and consequently, direct the first respondent to renew the petitioner's license for selling crackers and fireworks in the premises bearing Door No.14, Dindigul Main Road, Ponnagar, Trichirapalli-620 001.

For Petitioner : Mr.R.Subramanian

For Respondents 1&2 : Mr.M.Govindan,
Special Government Pleader

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner claims to have possessed cracker shop retail licence as per the Explosives Rules of 2008. The petitioner made an application to the first respondent to renew the same for the period between 01.04.2016 and 31.03.2017. The first respondent, by



his proceedings in Na.Ka.No.M1/4601/2016, dated 03.05.2016, has declined to renew the licence and has rejected the same. Challenging the same, the petitioner has come up with this Writ Petition.

2. We have heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first and second respondents. We have also perused the records carefully.

3. It is quite obvious that the order under challenge is appealable, as provided under Rule 121 of the Explosives Rules of 2008. When such an alternative remedy is available, it is not known as to how the petitioner has chosen to file the present Writ Petition.

4. In such view of the matter, the Writ Petition, in our considered view, is highly misconceived and the same is liable to be dismissed and accordingly, dismissed, however, with liberty to the petitioner to work out his remedy by filing statutory appeal. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner of Police, Tiruchirapalli.

2.The Inspector of Police,
Cantonment Police Station, Tiruchirapalli.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, , SR No.64779

+1 CC to Mr.R.SUBRAMANIAN, Advocate, SR No.64830

Order made in
W.P. [MD].No.10785 of 2016
Dated: 01.11.2016

SML

SH/KM:15.11.2016:2P/5C