



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.05.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.9141 of 2016

and

WMP (MD) No.7277 of 2016

M.Usha

.. Petitioner

Vs

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer,
Thanjavur District,
Thanjavur.

3.The Revenue Divisional Officer,
Thanjavur District,
Thanjavur.

4.The Superintendent of Police,
Thanjavur District,
Thanjavur.

5.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the fourth and fifth respondents not to disturb petitioner's business and trade and consequently direct the second and third respondents to pass an order in petitioner's renewal license application, dated 10.02.2016 in manufacture unit license No.2/2015-2016 in S.No.107/1B, 107/06 and crackers shop license No.7/2015-2016 in R.S.No.27/02 B1A located at Marungulam Village, Kandiyur, Thiruvaiyar Taluk, Thanjavur District till the renewal license application is refused.

For Petitioner ... Mr.B.Vinoth Balan

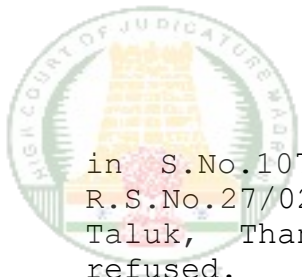
For Respondents ... Mr.Aairam K.Selvakumar

ORDER

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

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3.The petitioner has filed this writ petition praying for direction to direct the respondents 4 & 5 not to disturb his business and trade and also to direct the second and third respondents to renew the license application, dated 10.02.2016 in manufacture unit license No.2/2015-2016



in S.No.107/1B, 107/06 and crackers shop license No.7/2015-2016 in R.S.No.27/02 B1A located at Marungulam Village, Kandiyur, Thiruvaiyar Taluk, Thanjavur District till the renewal license application is refused.

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4.The petitioner was granted a license under the provisions of the Explosive Act, 1884 and the Regulations framed therein for running a small manufacturing unit for the manufacture of crackers. The license period of the petitioner has come to an end on 31.03.2016. But well before the same, the petitioner has filed an application for renewal on 10.02.2016 and the same is pending with the second respondent. In the meantime, the petitioner has been threatened by the Police Authorities to close the crack manufacturing unit. Therefore, the petitioner is before this Court.

5.In the light of the fact that the application for renewal is pending and also taking note of Rule 112(5) of the Explosive Rules, 2008, the second respondent should pass appropriate orders on merits and in accordance with law.

6.In view of the above, there will be a direction to the second respondent to consider the petitioner's application for renewal of license submitted on 10.02.2016 and to verify the same whether it is an order and to pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7.In the meantime, the Police Department need not take any action against the petitioner only on the ground that she does not possess license, since in terms of Rule 112(5) of Explosive Rules, if the application for renewal reaches the renewing or licensing authority on or before the date of expiry, the licence shall be deemed to be in force until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant.

8.The learned Government Advocate appearing for the respondents submitted that due to the Assembly Election, appropriate measures have to be taken by the respondents to regulate the Trade. Therefore, the petitioner should be bound by the directions issued by the 4th and 5th respondents and if there is any order passed by them, she should comply with the said order.

9.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/

Vacation Officer

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.



To

1.The District Collector,
Thanjavur District, Thanjavur.

2.The District Revenue Officer,
Thanjavur District, Thanjavur.

3.The Revenue Divisional Officer,
Thanjavur District, Thanjavur.

4.The Superintendent of Police,
Thanjavur District, Thanjavur.

5.The Inspector of Police,
Vallvam Police Station,
Thanjavur District.

+1cc to Special Government Pleader in SR.No.26018

+1cc to Mr.B.Vinoth Balan, Advocate in SR.No. 25905

W.P. (MD) No.9141 of 2016
04.05.2016

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