

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.34957 OF 2016

ORDER:

This writ petition is filed questioning the action of the respondent in issuing the proceedings dated 10.10.2016.

Heard the learned counsel for the petitioner and the learned Government Pleader for respondent.

It is the case of the petitioner that in a cluster there cannot be more than 50 shops on account of Rule 84 (6) of the Explosive Rules, 2008. Further, the respondent-Corporation ought to have offered the premises for setting up of the fire crackers' shop only to such of those eligible persons under the Explosives Act and Rules to carry on the business.

On the other hand, learned standing counsel appearing for the respondent-corporation submits that it is not the concern of the respondent-corporation either with respect to various compliances or with respect to grant of license to sell the fire crackers. It is also submitted that the licensing authority being other than the Municipal Corporation, it is for the licensing authority for considering the relevant rules and at this stage, the writ petition is premature as it is for the successful applicants who gets allotment of the shops to approach the licensing authority and at that relevant point of time licensing authority may consider all relevant rules and there is no basis for the petitioner to apprehend at this point of time that the licensing authority would grant license ignoring the rules.

Having considered the respective submissions, the writ petition filed is misconceived and it appears that the same is only to prevent the competition that may arise on account of the others coming forward. So far as the petitioner is concerned, petitioner can have no grievance with the advertisement calling for applicants to apply for allotment of the shops. As rightly contended by the learned counsel for the respondent that it is for the licensing authority under the Explosives Act to take into consideration of the

relevant Acts and Rules and grant license to the eligible persons. In those circumstances, the writ petition does not deserve any consideration.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

Dated:18.10.2016
Gk



HON'BLE SRI JUSTICE CHALLA KODANDA RAM



WRIT PETITION No.34957 OF 2016

Date:18.10.2016

Gk