



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.11194 of 2017

and

WMP(MD) No.8585 of 2017

E.Marimuthu

... Petitioner

-vs-

1. The Principal Secretary and Commissioner of
Revenue Administration,
(Disaster Management and Mitigation),
O/o.the Commissioner of Revenue Administration,
Ezhilagam,
Chennai - 600 005.
2. The District Magistrate cum District Revenue Officer,
O/o.the District Revenue Officer,
Dindigul.
3. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Dindigul.
4. The Superintendent of Police,
O/o.the Superintendent of Police,
Dindigul.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in R.A.5(1)/4222/2016/(A.No.14/2016) dated 03.05.2017 on the file of the 1st respondent and quash the same as illegal and consequently for a direction directing the respondents to issue license to the petitioner for selling fire crackers.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader.

**ORDER**

This writ petition has been filed seeking to quash the impugned order of the first respondent in R.A.5(1)/4222/2016/(A.No.14/2016) dated 03.05.2017 and consequently direct the respondents to issue license to the petitioner for selling fire crackers.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents.

3. The case of the petitioner is that he has applied licence for selling fire crackers before the first respondent and despite, the second respondent, after conducting enquiry, recommended to issue licence to the petitioner, the first respondent rejected the application of the petitioner by the order dated 30.10.2015 and subsequent to several proceedings, the petitioner has filed WP(MD)No.23181 of 2015 on the file of this Court and as per the direction issued by this Court, the petitioner has preferred an appeal before the first respondent. The first respondent rejected the appeal by way of issuing the impugned order dated 03.05.2017. Challenging the same, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that the first respondent has rejected the application of the petitioner on the ground that the petitioner has not produced any document to show that his shop is in safe location and the petitioner has also failed to submit proof that no roof houses are located nearby his shop which is totally against the provisions of Explosives Rules, 2008 and therefore, the impugned order of the first respondent is liable to be set aside.

5. The learned Additional Government Pleader appearing for the respondents submitted that the first respondent after giving opportunity of personal hearing to the petitioner and also after considering the report submitted by the third respondent in respect of spot inspection, has rightly passed the impugned order and therefore, the same is not liable to be set aside.

6. It is seen from the records that the impugned order does not disclose the avenues of the petitioner and certain errors were pointed out and sought for rectification of the same for resubmitting the application for consideration. Under such circumstances, this writ petition is disposed of leaving it open to the petitioner to rectify and resubmit the application before the third respondent. No costs. Consequently, WMP(MD)No.8585 of 2017 is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To

1. The Principal Secretary and Commissioner of Revenue Administration,
(Disaster Management and Mitigation),
O/o.the Commissioner of Revenue Administration,
Ezhilagam,
Chennai - 600 005.
 2. The District Magistrate cum District Revenue Officer,
O/o.the District Revenue Officer,
Dindigul.
 3. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Dindigul.
 4. The Superintendent of Police,
O/o.the Superintendent of Police,
Dindigul.
- + 1 cc TO The Special Government Pleader in SR No. 91568,91807

mj

AE/MR KKR/SAR3/26.12.2017/3P/6C

W.P (MD) No.11194 of 2017
06.12.2017