



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.17030 of 2017
and
W.M.P(MD)No.13603 of 2017

S.Kandasamy

.. Petitioner

Vs.

1.The Chief Controller of Explosives,
Department of Explosives,
A.A.Block, 5th Floor, C.G.O.Complex,
Seminary Hills, Nagpur-440 006.

2.The Joint Chief Controller of Explosives,
IInd Floor, Shastri Bhavan, Haddows Road,
Nungambakkam.

3.The Deputy Chief Controller of Explosives,
FRDC Complex, Near ESI Complex,
Sivakasi West - 624 724,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for records relating to the order passed by the third respondent in his proceedings No.E/SC/TN/24/186(E20430), dated 24.11.2016 and the consequential order, dated 01.08.2017 and quash the same.

For Petitioner

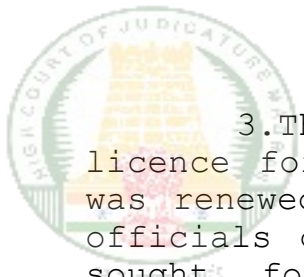
: Mr.A.Sivaji

For Respondents

: Mr.V.Kathirvelu,
Asst. Solicitor General of India
for Mr.N.Shanmugaselvam.

ORDER

This writ petition is filed seeking a writ of Certiorari to quash the impugned proceedings passed by the third respondent in No.E/SC/TN/24/186(E20430), dated 24.11.2016 and the consequential order, dated 01.08.2017, vide which, the licence, for possession for sale of fireworks, granted to the petitioner, is suspended and he is also directed to rectify the deficiencies mentioned therein.



3.The case of the petitioner is that he has been granted licence for possession for sale of fireworks and the said licence was renewed upto 31.03.2021 and an inspection was conducted by the officials of Petroleum and Explosives Safety Organization and they sought for explanation, indicating certain defects and the petitioner also submitted his explanation and thereafter, the third respondent, suspended the licence, vide impugned order, dated 24.11.2016, against which, an appeal was filed before the first respondent and the same was dismissed, with a direction to the third respondent to inspect the premises and take necessary action, upon which, the third respondent, passed the impugned order, dated 01.08.2017, pointing out certain deficiencies. Therefore, the petitioner is before this Court, with the aforesaid prayer.

4.Today, when the matter is taken up for hearing, the learned Assistant Solicitor General of India appearing for the respondents submits that if the petitioner chooses to rectify the deficiencies pointed out in the impugned order, his case would be considered, afresh.

5.The learned counsel appearing for the petitioner, on the other hand, submits that the deficiencies had already been rectified and now there is a provision for entry as well as exit and therefore his case may be considered after conducting inspection by the competent authority.

6.Under such circumstances, the third respondent is directed to conduct an inspection in the petitioner's premises within a period of two weeks from the date of receipt of a copy of this order and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, on or before 20.01.2018. It is directed that the interim order, dated 09.10.2017, with regard to temporary licence, is extended, till then.

7.At this juncture, the learned counsel appearing for the petitioner also submits a set of general suggestions with regard to the proposed amendment to be placed before the competent authority, for consideration. Hence, it is open to the petitioner to submit such suggestions to the third respondent and on such filing, the same shall be taken into consideration.

8.The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(C.O)

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Virudhunagar District.

+One cc to Mr.A.Sivaji, Advocate, SR.No.92342

+One cc to M/.N.Shanmugaelvam, Advocate, SR.No.92569

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RL/6C/3P/MR/SAR1/9/1/2018

ORDER MADE IN
W.P (MD) No.17030 of 2017
and
W.M.P (MD) No.13603 of 2017

11/12/2017