



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No.18260 of 2017

and

W.M.P (MD)Nos.14706 & 14707 of 2017

S.S.Sudalaiyandi

.. Petitioner

Vs.

The Deputy Controller of Explosives/
Deputy Chief Controller of Explosives,
Ministry of Commerce and Industry,
Petroleum and Explosives Safety Organisation (PESO)
FRDC Complex, Sivakasi West,
Virudhunagar District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the respondent in Order No.E/SC/TN/24/152 (E20231), dated 09.08.2017 and quash the same.

For Petitioner : Mr.R.Anand

For Respondent : Mr.J.Jeyakumaran

ORDER

This writ petition is filed seeking a writ of Certiorari to quash the impugned proceedings passed by the respondent in No.E/SC/TN/24/152 (E20231), dated 09.08.2017, vide which, the license, for possession for sale of fireworks, granted to the petitioner, is suspended and he has also been directed to show cause as to why licence should not be cancelled.

2.Heard both sides.

3.The case of the petitioner is that he has been granted license for possession for sale of fireworks and the respondent, suspended the licence, vide impugned order, dated 09.08.2017, pointing out certain discrepancies and also directed the petitioner to show cause as to why licence should not be cancelled. The petitioner also rectified the same and made compliance report in the form of a representation. Since the same has not been considered so far, the petitioner is before this Court, with the aforesaid prayer.



4. Now, the learned counsel appearing for the petitioner submits that the discrepancies pointed out by the respondent had already been rectified and the proof for the same had also been submitted to the respondent for consideration and the petitioner has also made a representation to the respondent, seeking to revoke the suspension order of licence and therefore his case may be considered by the respondent, based on the rectification, for which, the learned counsel appearing for the respondent, has no serious objection.

5. Under such circumstances, the respondent is directed to consider the case of the petitioner for revoking the suspension order of licence and 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.

6. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T & P)

/True Copy/

Sub Assistant Registrar

To

The Deputy Controller of Explosives/
Deputy Chief Controller of Explosives,
Ministry of Commerce and Industry,
Petroleum and Explosives Safety Organisation (PESO)
FRDC Complex, Sivakasi West,
Virudhunagar District.

+1cc to M/s. R. ANAND Advocate in SR. No. 92545

SMN

JS/KKR/SAR.1/2.1.2018/2P-3C

ORDER MADE IN
W.P (MD) No. 18260 of 2017
and
W.M.P (MD) Nos. 14706 & 14707 of 2017
11.12.2017