



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.10.2017
CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P (MD) No.18876 of 2017
and
W.M.P (MD) Nos.15224 to 15226 of 2017

Jeyamani

.. Petitioner

Vs.

1.The District Revenue Officer cum
Additional District Magistrate,
Ramanathapuram District, Ramanathapuram.

2.The Sub-Collector,
Paramakudi, Ramanathapuram District.

3.The Tahsildar,
Mudhukulathur Taluk,
Ramanathapuram District.

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

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

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records related to the order Moo.Mu.(A2)/1313/2017 dated 12.04.2017 passed by the second respondent and order Pa.Mu.(C.4)/23551/2017 dated 31.07.2017 passed by the first respondent and quash the same and consequently direct the first and second respondents to renew the licence No.10/1996 (Form No.24) of the petitioner, to possess and sell, not exceeding 50 Kgs of manufactured Fire Works (Class-7, Division-2, Sub-Division-2 of the Explosives Act, 1884) at Shop No.10/155.B, Town Panchayat Building (No.98, Bazar Street) Mudhukulathur, Ramanathapuram District, based on the petitioner's application dated 22.02.2017 within a time limit to be fixed by



For Petitioner
For Respondents

: Mr.R.M.Makesh Kumaravel
: Mr.M.Alagathevan,
Special Government Pleader.

ORDER

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This writ petition has been filed seeking a writ of Certiorarified Mandamus to quash impugned orders passed in Moo.Mu. (A2)/1313/2017 dated 12.04.2017 by the second respondent and Pa.Mu.(C.4)/23551/2017 dated 31.07.2017 by the first respondent and direct the first and second respondents to renew the licence No.10/1996 (Form No.24) of the petitioner, to possess and sell, not exceeding 50 Kgs of manufactured Fire Works, at Shop No.10/155.B, Town Panchayat Building (No.98, Bazar Street), Mudhukulathur, Ramanathapuram District, based on his application dated 22.02.2017.

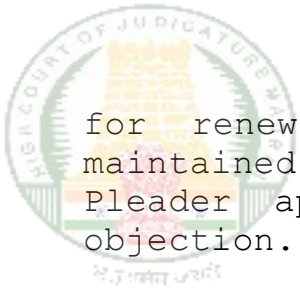
2.Mr.M.Alagathevan, learned Special Government Pleader, takes notice for the respondents.

3.By consent of both the parties, this writ petition is taken up for hearing at the stage of admission itself.

4.Heard both sides.

5.The case of the petitioner is that he has been granted licence vide Licence No.10/1996 by the first respondent, dated 31.10.1996, to possess and sell, not exceeding 50 Kgs of manufactured Fire Works, at his Shop sitautes at Door No.10/155.B, Town Panchayat Building (No.98, Bazar Street), Mudhukulathur, Ramanathapuram District, initially upto 31.03.1997 and the same was renewed from time to time and lastly it was renewed for two years from 01.04.2015 to 31.03.2017. According to the petitioner, as per the direction of the second respondent, he made an application dated 22.02.2017 for renewal of the said licence for a further period from 01.04.2017 to 31.03.2019 along with prescribed fee. But, the second respondent denied to renew the same, vide order, dated 12.04.2017, stating that the said shop is not having two exists and the same is located in a public area. Against which, he preferred an appeal before first respondent and the first respondent, without giving due opportunity of hearing to the petitioner, denied to renew same, vide order dated 31.07.2017. According to the petitioner, as per the provisions of the Explosive Rules, 2008, the impugned order passed by the first respondent is illegal and his shop fulfils the requirements as mentioned in the Explosive Rules, 2008. Therefore, the petitioner is before this Court with the aforesaid prayer.

<https://hcservices.ecourts.gov.in/home>
6.Through the prayer in the writ petition is at large, the learned counsel appearing for the petitioner confines his prayer only to direct the second respondent to consider his application



for renewal, dated 22.02.2017, after production of accounts maintained by him, for which, the learned Special Government Pleader appearing for the second respondent, has no serious objection.

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7.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the petitioner to produce all the accounts maintained by him, before the second respondent before 05.00 p.m. on 11.10.2017 and on such production of the same, the second respondent shall consider the application of the petitioner for renewal, dated 22.02.2017 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of two weeks thereafter.

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

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

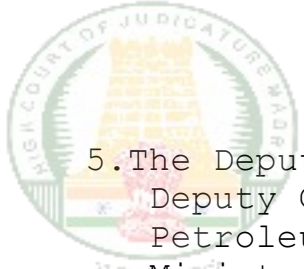
To

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+1cc to M/S.R.M.Makesh Kumaravel, Advocate SR.No. 82076

ORDER MADE IN
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and
W.M.P(MD)Nos.15224 to 15226 of 2017
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smn
JM/SV MMS/SAR 2/10.10.2017/4P/7C