



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.19346 of 2017

and

W.M.P(MD)No.15661 of 2017

Sathish

... Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City Police, Tirunelveli.

2.The District Fire Officer,
Fire and Rescue Operation,
Tirunelveli District, Tirunelveli.

3.The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents particularly the 1st respondent to issue licence to the petitioner under the Explosives Act, 2008 to sell crackers at No.234-A & B, Tiruchendur Road, Palayamkottai, Tirunelveli, by considering his application, dated 26.09.2017.

For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader.

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the first respondent to issue crackers shop licence to the petitioner for storing and selling crackers at No.234-A & B, Tiruchendur Road, Palayamkottai, Tirunelveli.

2.Heard both sides.

3.According to the petitioner, he has sought for permission from the authority to put up a shop to sell crackers from this year onwards and submitted necessary application for the same, however, the same has not been considered so far. Therefore, the petitioner is before this Court.

4.The learned Additional Government Pleader appearing for the respondents would submit that subsequent to the filing of the writ petition, the renewal application came to be rejected on the ground that there are no separate exist for the shop.



5.The learned counsel appearing for the petitioner, on the other hand, submitted that the deficiencies had been rectified and now there is a provision for entry and therefore his case may be considered, but, the authorities have not inspected the shop so far, despite repeated representations.

6.Under such circumstances, the petitioner is directed to resubmit his application for crackers shop licence to the first respondent, within a period of one week from the date of receipt of a copy of this order and on such submission, the first respondent is directed to consider the same and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner so as to produce the required certificates obtained from the authorities concerned, on or before 20.01.2018. Inspection of the shop also be completed in the meanwhile. It is directed that the interim order, dated 13.10.2017, with regard to temporary licence, is extended, till then.

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

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Commissioner of Police,
Tirunelveli City Police, Tirunelveli.

2.The District Fire Officer,
Fire and Rescue Operation,
Tirunelveli District, Tirunelveli.

3.The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai, Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.92236

smn
RL/5C/2P/KK/SAR1/11/1/2018

ORDER MADE IN
W.P (MD) No.19346 of 2017