

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 01.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM**W.P. (MD) No. 7034 of 2017****and****W.M.P. (MD) Nos. 5554 and 5555 of 2017**

M/s. Sree Sivaraj Fire Works Factory,
Rep. by its
Proprietor,
R. Rajamanickam

: Petitioner

-Vs-

1. The Director,
Directorate of Industrial Safety and Health,
35, Thiru. Vi. Ka. Salai,
Royapettai,
Chennai-14.

2. The Assistant Director,
Industrial Safety and Health Department-I,
Sivakasi.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in No.A.3464/2016, dated 07.10.2016 and quash the same and consequentially, direct the respondents herein to revoke the order of suspension passed against the petitioner factory on 07.10.2016.

For Petitioner : Mrs. Lakshmi Gopinathan,
For M/s. Polax Legal Solutions

For Respondents : Mr. A. Muthukaruppan,
Additional Government Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in No.A.3464/2016, dated 07.10.2016 and quash the same and consequentially, direct the respondents herein to revoke the order of suspension passed against the petitioner factory on 07.10.2016.

2. The case of the petitioner is that the petitioner is running a Fire Works Factory for more than ten years after getting approval from all the departments concerned. On 07.10.2016, there



was a fire accident in the Godown due to over heat in the temperature on that day. On the same day, the second respondent inspected the factory premises of the petitioner, but, even without holding any preliminary enquiry, suspended the factory licence under Section 40(2) of the Factories Act. Aggrieved by the order, the petitioner has preferred an appeal to the first respondent on 12.01.2017.

3. Mrs.Lakshmi Gopinathan, learned counsel for the petitioner would submit that though the petitioner is prayed for quashing the impugned order of the second respondent, it would suffice, if a direction is given to the first respondent to dispose of the appeal of the petitioner dated 12.01.2017 in a time frame.

4. This Court also heard the submission of Mr.A.Muthukaruppan, learned Additional Government Pleader and perused the records.

5. Considering the submission of the learned counsel for the petitioner and without going into the merits of the case, this Court directs the first respondent to dispose of the appeal of the petitioner dated 12.01.2017 on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order and communicate a decision to the petitioner.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Director,
Directorate of Industrial Safety and Health,
35, Thiru.Vi.Ka.Salai,
Royapettai,
Chennai-14.

2. The Assistant Director,
Industrial Safety and Health Department-I,
Sivakasi.

+1cc to Special Government Pleader, SR.No.58129.

+1cc to M/S. Porex Legal Solutions, Advocate, SR.No.58059.