

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.11.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29974 of 2018 and
W.M.P.Nos.34979 & 34981 of 2018

S.Nandakumar

.. Petitioner

Vs.

The District Revenue Officer
Cum Additional District Magistrate
Cuddalore District.

.. Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records from the file of the Respondent in proceedings No.Mu.Mu.Ref:C4/10146/2018 dated 02.11.2018 and quash the same so far as limiting the period upto 16.11.2018 and direct the respondent to extend the said license dated 02.11.2018 for the year 2018-2019 upto 31.03.2019.

For Petitioner : Mr.Gnanadesikan,
Senior counsel
for M/s.Gnanadesikan Law Associates

For Respondent : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The petitioner has filed this Writ Petition challenging the order dated 02.11.2018 passed by the respondent, granting temporary license only for the period from 02.11.2018 to 16.11.2018.

2. The case of the petitioner is that earlier the petitioner was granted license for a period of one year upto 31.03.2018 and before the expiry of the said date, he had applied for renewal of the license. Though he had applied in the month of February, the order was passed

only on 02.11.2018 granting temporary license only for a period from 02.11.2018 to 16.11.2018 to the petitioner. According to the petitioner, he is entitled for the regular licence for a period of one year. The Explosives Act provides for renewal of licence and as per the said act, there is no temporary license for renewal as ordered by the respondent. It is further stated that having invested huge money in the business during the Diwali Season, because of the issuance of temporary license, he has suffered severe loss. Being aggrieved, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner, as well as the learned Special Government Pleader who accepts notice on behalf of the respondent.

5. The temporary license was granted from 02.11.2018 to 16.11.2018. Therefore, the authorities can further extend the period of license for one year or the petitioner can apply for renewal of licence afresh and based on the same, the respondent can grant him licence.

6. Considering the facts and circumstances of the case, it is open to the petitioner to apply for renewal of licence for the permissible period of one year, within a period of one week from the date of receipt of a copy of this order and on the receipt of the said application, respondent is directed to consider the same, if every thing is in order and grant appropriate licence, within a period of three weeks thereafter.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS ix)

//True Copy//

Sub Assistant Registrar

arr
To
The District Revenue Officer
Cum Additional District Magistrate
Cuddalore District.

+1cc to M/s.Gnanadesikan Law Associates , Advocate SR.No. 81589

+1 CC TO GOVERNMENT PLEADER SR.NO. 81765

W.P.No.29974 of 2018 and
W.M.P.Nos.34979 & 34981 of 2018

ASK(19/12/2018)