

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.32112 OF 2018

ORDER :

This writ petition is filed challenging the action of the respondents in not processing the application submitted by the petitioner dated 28.02.2018 for renewal of petitioner's LE-1 License for manufacturing fireworks under Rule 112 of Explosive Rules, 2008 without any reasons, inspite of recommendations made by the District Fire Officer dated 13.03.2018 and Tahasildar, Mogaltur, dated 24.10.2018.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Home produced written instructions obtained from the 6th respondent stating that petitioner is accused in CC.No.629/2018; that until clean chit is given by the II Additional Judicial Magistrate, Bhimavaram, his renewal application cannot be considered.

Learned counsel for the petitioner states that application of petitioner was filed on 28.02.2018 and since no orders are passed, licence is deemed to be in force as per Rule 112 (5) of the Explosives Rules, 2008.

The Tahasildar-6th respondent, himself recommended for renewal of licence of petitioner vide proceedings dated 21.04.2018, but in the written instructions he states otherwise.

Rule 112(5) of the Explosives Rules, 2008 reads as under;

“112(5): If the application for renewal reaches the renewing or licensing authority on or before the date of expiry, the licence shall be deemed to be in force until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant.”

This Court is not inclined to go into the merits of the case. Since it is stated that application of the petitioner for renewal of licence is pending before the 2nd respondent, it is for the 2nd respondent to consider the same, in accordance with law.

In view of the same, without expressing any opinion on merits, the writ petition is disposed of directing the 2nd respondent to dispose of the application of the petitioner for renewal of his fireworks manufacturing licence, in accordance with law. If the application is in terms of Rule 112(5) of the Explosives Act, the same benefit can be given to the petitioner, pending disposal of petitioner's application by the 2nd respondent. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

20.09.2018
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