

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.9163 of 2012

ORDER:

The relief sought for in this writ petition is to declare the action of the Tahsildar, Srikalahasti in seizing the petrol, oils stocks etc, cancelling the business operations of the petitioner, and in handing over the stocks to the I.O.C dealer for safe custody by way of panchanama dated 21.03.2012, despite showing proof that the original licence was sent to the 4th respondent- Deputy Chief Controller of Explosives through the Bharat Petroleum Corporation Limited for renewal purpose, as illegal, arbitrary and unjust. A consequential direction is sought to set aside or cancel the panchanama proceedings dated 21.03.2012. By way of interim relief, the petitioner sought a direction from this Court to stay all further proceedings pursuant to the panchanama dated 21.03.2012, and to permit the petitioner to carry on business operations normally in the subject outlet.

In its interim order dated 04.04.2012, this Court observed that it was the 4th respondent who was guilty of not acting promptly in the matter; *prima facie*, the fault did not lie at the door step of the petitioner; and the petitioner should be permitted, by the respondents, to carry on his business pending renewal of the explosive licence. The said interim order was extended thereafter. More than six years have passed since the interim order was granted. It is evident from the counter-affidavit that the seized stocks were returned to the petitioner and he is carrying on his business.

While the counter-affidavit does state that the petitioner was running the outlet without a valid licence beyond 31.12.2009, and the licence has not been renewed, the Learned Government Pleader expresses ignorance as to what transpired thereafter. As the learned

counsel for the petitioner is not even present in Court, I am not in a position to ascertain whether or not the explosive licence of the petitioner has since been renewed, or whether he is still carrying on business without a valid licence.

Suffice it therefore, while setting aside the order impugned in the writ petition, to make it clear that, in case the petitioner is still carrying on business without either an explosive licence or a Form-B licence, it is open to the respondents to take action against him, in accordance with law, after putting him on notice and after giving him an opportunity of being heard.

The Writ Petition is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

29th June, 2018
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Date: 29.06.2018

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