

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2223 of 2018**

1. Mukesh Kumar Sahu S/o Brijlal Sahu, Caste- Teli, Aged About 48 Years, R/o Ward No. 13, Palari, Tahsil- Gurur, District- Balod Chhattisgarh.

---- Petitioner

Versus

1. Deputy Chief Controller Of Explosive, Raipur, District- Raipur Chhattisgarh.
2. District Magistrate/collector, Balod, District- Balod Chhattisgarh.
3. Superintendent Of Police, Balod, District- Balod Chhattisgarh.

---- Respondents

For Petitioner :- Ms. Hamida Siddiqui, Advocate

For Respondent :- Shri Vikram Dixit, Govt. Advocate

Order On Board

By

Prashant Kumar Mishra, J.

22/01/2019

1. Petitioner would call in question the legality and validity of the order passed by the District Magistrate, Balod on 22.05.2018 by which the petitioner's explosive license has been revoked in exercise of powers conferred under Section 6E of the Explosives Act, 1884 (for short 'the Act, 1884') and the previous order passed by the District Magistrate, Balod on 21.12.2016 under the same powers has been maintained.

2. On an earlier occasion the District Magistrate rejected the explosive license on 22.12.2016 against which the petitioner preferred writ petition before this Court bearing WPC No.1346 of 2017, in which the matter was remitted back to the District Magistrate to pass fresh order after affording opportunity of hearing to the petitioner. Now the impugned order has been passed after affording opportunity of hearing to the petitioner.
3. The previous writ petition was entertained because of violation of principles of natural justice but under the present impugned order the petitioner has been provided opportunity of hearing, therefore, the attack of said ground is no longer available to the petitioner.
4. The order under challenge is appealable under Section 6F of the Act, 1884, therefore, the present writ petition is not maintainable. It is accordingly, disposed of directing the petitioner to avail the alternative remedy within a period of 60 days from today.
5. It is made clear that if the appeal is preferred by the petitioner within this time, the appellate authority shall consider and decide the same, in accordance with law and on its own merits, expeditiously, without raising objection on limitation.

Sd/-
Judge
Prashant Kumar Mishra