IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. 18934 of 2005

S.Sankareswari ... Petitioner

Vs

1. Special Commissioner and
Commissioner of Revenue Administration,
Ezhilagam,
Chennai-600 005.

2. District Revenue Officer-cum-
Additional District Magistrate,
Thoothukudi District,
Thoothukudi. ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in D.Dis.ra5(2)/32959/04, dated 31.10.2004 and quash the same and direct the 2nd respondent to grant license in Form-20 to the petitioner under Explosives Act 1884.

For Petitioner : Mr.Ganesh Kumar

For Respondents: Mr.I.Sathish,
Addl. Govt. Pleader for R1 & R2

O R D E R

This Writ Petition has been filed challenging the order passed by the respondents rejecting the petitioner's application for granting license for manufacturing fire crackers.

2. According to the petitioner, she has possessed sufficient experience in manufacturing fire crackers, she was originally working in Sakthi Fire Works and she has more than three years experience in this field. Apart from that, she is also possessing required infrastructure for manufacturing fire crackers. The original authority viz., the 2nd respondent has rejected the petitioner's application on the ground that the petitioner do not possess necessary experience and the petitioner's husband was convicted for committing an offence under Sec.9-B(1) (b) of Explosives Act, 1884. The granting of license in favour of the petitioner would leads to misuse and

rejected the same. Challenging the order of the 2nd respondent, she has filed an appeal before the 1st respondent, the 1st respondent after considering the petitioner's appeal has dismissed the same, and confirmed the order passed by the original authority. Now, challenging the same, the present Writ Petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and perused the records carefully.

4. The respondents have rejected the application on the ground that the petitioner did not possess necessary experience in manufacturing explosives. That apart, the petitioner's husband has manufactured the explosives without license and hence, he has been convicted for an offence under Sec.9-B(1)(b) of the Indian Explosives Act.

5. Sec. 6-B of the Explosives Act, deals with granting of license, where a person makes an application for any explosive license should possess technical know-how and experience in the manufacture of explosives, or she should undertake to employ a person possessing such technical know-how and experience. In the instant case, the petitioner has merely stated that she is having experience in manufacturing fire crackers, since she has worked in the fire works company. Further, under Rule 113 of the Explosives Rules, provides for approval and grant of license. The Rule also requires particulars of competent technical persons or foreman and their experience in related fields. But, the petitioner did not provide any materials to show that she is having sufficient experience in manufacturing fire crackers and she is having competent technical persons having experience in this field. Considering the same, the authorities rightly rejected the application and I do not find any infirmity or illegality in the order passed by the original authority as well as appellate authority.

6. So far as the next ground for rejection, viz., that the petitioner's husband was convicted for an offence under the Explosives Act is concerned, it cannot be a reason for rejecting the petitioner's application. In the result, the Writ Petition stands dismissed. However, the dismissal of this Writ Petition will not stand in the way of the petitioner for filing the fresh application in future. No costs.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

rpp
To
1. The Special Commissioner and
 Commissioner of Revenue Administration,
 Ezhilagam, Chennai-600 005.

2. The District Revenue Officer-cum-
 Additional District Magistrate,
 Thoothukudi District,
 Thoothukudi.

+1 CC to Mr.S. James Advocate sr 82723.
+1 CC to Govt. Pleader sr 83220.

W.P. 18934 of 2005

VBA(CO)
SP(01/11/2019)