

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 27192 of 2019
and
W.M.P. No. 26596 of 2019

S.Nandakumar

.. Petitioner

-vs-

1. The District Revenue Officer,
Cum Additional District Magistrate
Cuddalore, Cuddalore District.
2. The Sub Collector,
Cuddalore,
Cuddalore District.
3. Tahsildar,
Vridhachalam.
4. The Superintendent of Police,
Cuddalore District.
Cuddalore.

... Respondents

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 First Respondent in Proceedings No. Moo Moo C4/10146/2018 dated 06.08.2019 and quash the same and further direct the 1st and 2nd Respondents to renew the license submitted by the Petitioner as per the application dated 29.11.2018.

For Petitioner : Mr. B.S. Gnanadesikan, Senior Counsel
for M/s.Gnanadesikan Law Associates

For Respondents : Mr. M. Karthikeyan,
Additional Government Pleader

O R D E R

Heard Mr. B.S. Gnanadesikan, Learned Senior Counsel appearing for the Petitioner and Mr. M. Karthikeyan, Learned Additional Government Pleader, who takes notice for the

Respondents and perused the materials based on record, apart from pleadings of the parties.

2. The Writ Petition has been filed challenging the order No. Moo Moo. C4/10146/2018 dated 06.08.2019 passed by the First Respondent refusing renewal of license to the Petitioner under the provisions of the Explosives Act, 1884.

3. The Learned Senior Counsel appearing for the Petitioner submits that the application for renewal of license was made by the Petitioner pursuant to the order dated 26.11.2018 in W.P. No. 29974 of 2018, passed by this Court and the First Respondent has rejected the same quoting non-compliance of certain provisions of the Explosives Rules, 2008, without affording any prior opportunity of hearing in that regard in violation of the principles of natural justice.

4. There is nothing found from the materials borne out of the record that any prior opportunity of hearing has been afforded to the Petitioner to submit his explanation in that regard before passing the impugned order. As such, the impugned order cannot be sustained and has to be set aside and the First Respondent shall provide an opportunity of personal hearing to the Petitioner to submit his explanation for non-compliance of the provisions of the Explosive Rules, 2008, mentioned in the impugned order. Thereafter, the matter shall be decided afresh on merits in accordance with law and a reasoned decision considering all the contentions of the Petitioner shall be taken and communicated under written acknowledgment. An endeavour shall be made to complete the aforesaid exercise within a period of two months from the date of receipt of a copy of this order.

5. It is informed by the Learned Additional Government Pleader appearing for the Respondents, on instructions, that the enquiry for the aforesaid enquiry has been fixed at 11.00 a.m on 16.09.2019 before the First Respondent and he has produced a copy of the same, which is acknowledged by the Learned Counsel for the Petitioner and the same is recorded.

6. Accordingly, the Writ petition is allowed on the aforesaid terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gsa/vjt

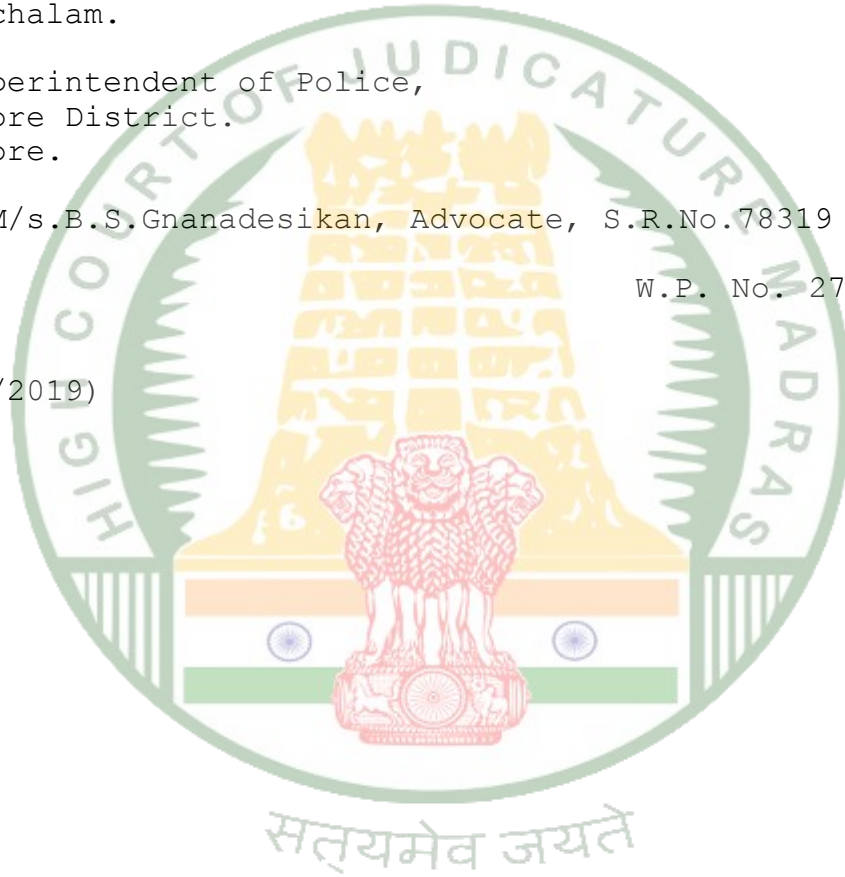
To

1. The District Revenue Officer,
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Cuddalore District.
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Vridhachalam.
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Cuddalore.

+1 cc to M/s.B.S.Gnanadesikan, Advocate, S.R.No.78319

W.P. No. 27192 of 2019

(CO)
SSM(12/09/2019)



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