



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.22174 of 2019

and

W.M.P. (MD) .Nos.18971 and 18973 of 2019

WEB COPY

T.Thiagarajan ... Petitioner
vs.

1.The Commissioner of Police,
Tirunelveli City Corporation,
A.R. Line Road, Palayamkottai,
Tirunelveli.

2.The Inspector of Police,
Palam Police Station,
Tirunelveli Junction.

3.The District Fire Officer,
Fire and Rescue Department
1B/1, St.Thomas Road, Palayamkottai,
Tirunelveli. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the 4th respondent in his proceedings in Na.Ka.No.3372/E/2019 dt.25/09/2019 quash the same as illegal and consequently directing the respondents No.1 and 3 to renew the petitioner's license No.COP/TIN84/TEMP/2012 to possess and sell crackers in the shop premises No.27, S.N.High Road, Tirunelveli Junction.

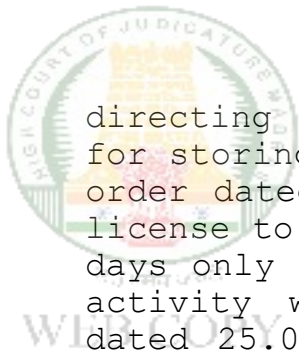
For Petitioner : Mr.S.M.MohanGandhi
For Respondent : Mr.P.Kannithevan
Additional Govt. Pleader

O R D E R

Mr.P.Kannithevan, learned Additional Government Pleader, takes notice on behalf of the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he was given license from the year 2012 for running his Cracker Shop. On 20.09.2012, the respondent has permitted him to store 25 kgs of explosives and granted license under Form 24 and this has been periodically renewed by him. However, he approached this Court in the year 2017,



directing the 1st respondent therein to renew his crackers license for storing and selling crackers in his premises. This Court, by an order dated 13.10.2017, directed the respondents to issue temporary license to the petitioner. Accordingly, he conducted the shop for 5 days only during Deepavali. On the other days, no cracker business activity was conducted. This year, by Na.Ka.No.No.3372/E/2019, dated 25.09.2019, it was rejected by the first respondent, on the ground that there was no emergency exit in the shop. According to the respondent, the hotel owner, adjacent to the shop of the petitioner has refused to give access through his land. Therefore, emergency exit could not be provided by the petitioner and hence, license was not granted.

4.On the other hand, the petitioner submitted a representation to the first respondent on 27.09.2019, in which he has given an undertaking to the effect that he will run cracker business only for 3 days and on the other days, he will conduct other business. He has also mentioned in the said representation that during those 3 days, 220 litres of water barrel, 3 soil buckets, 3 water cans and 2 Fire Extinguishers will be available in his place. Further, the common passage available behind his shop will be kept open for 3 days and hence, sought permission.

5.It is seen from the records that for the past 8 years, the petitioner was permitted to run the cracker business temporarily and for the complaint that there was no emergency exit behind his shop, he has given an undertaking in his representation that since there is a common passage behind his hop, it will be opened for those 3 days.

6.Considering the said undertaking, the respondents are directed to give temporary cracker license to the petitioner for running the shop only for four days during Deepavali i.e from 23.10.2019 to 26.10.2019.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)



To:

- 1.The Commissioner of Police,
Tirunelveli City Corporation,
A.R. Line Road, Palayamkottai,
Tirunelveli.
- 2.The Inspector of Police,
Palam Police Station,
Tirunelveli Junction.
- 3.The District Fire Officer,
Fire and Rescue Department
1B/1, St.Thomas Road, Palayamkottai,
Tirunelveli.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-93349[F] dated
21/10/2019)

VS

W.P. (MD) No.22174 of 2019

_KK/SAR/21.10.2019/3P-5C/