



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.27013 of 2019

S.Ramesh

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by the Principal Secretary,
Revenue Administrative Commissioner,
Disaster Management & Disaster Mitigation Department,
Chepauk,
Chennai.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

4.The Sub-Divisional Magistrate / Sub-Collector,
Cheranmahadevi,
Tirunelveli
District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to issue temporary licence to the petitioner to sell crackers at the petitioner's premises ie., Raja Street, No.1669/10, Vadakkankulam Village, Radhapuram Taluk, Tirunelveli District so as to enable the petitioner to sell crackers for the ensuing Christmas Festival.

For Petitioner	: Mr.N.Pragalathan
For Respondents	: Mr.M.Rajarajan, Government Advocate

ORDER

Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents.



2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to issue temporary licence to the petitioner to sell crackers at the petitioner's premises at Door No. 1669/10, Raja Street, Vadakkankulam Village, Radhapuram Taluk, Tirunelveli District so as to enable him to sell crackers for the ensuing Christmas Festival.

4. The case of the petitioner is that he is having temporary licence for selling crackers from the year 2003 and it was renewed periodically by the fourth respondent. This year also, he had applied for renewal of licence before the fourth respondent. But, the fourth respondent refused to renew the licence by rejecting the application on 23.10.2019 on the ground that the shop is at the residential premises. Besides, the petitioner had also not produced the original licence that was granted. Aggrieved by the same, on 09.12.2019, an appeal under the Explosives Act and Explosives Rules was filed before the third respondent, which is said to be pending. In view of the ensuing Christmas festival, the petitioner is now seeking temporary licence.

5. However, once the renewal of licence is rejected, it is for the appellate authority to decide the issue. Hence, this Court is directing the third respondent to decide the appeal filed by the petitioner, dated 09.12.2019, within a period of one week from today.

With the above direction, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

pm

To:

1.The Principal Secretary,
State of Tamilnadu,
Revenue Administrative Commissioner,
Disaster Management & Disaster Mitigation Department,
Chepauk, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

4.The Sub-Divisional Magistrate / Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

+1 CC to Mr.N.PRAGALATHAN, Advocate (SR-106239[F] dated
20/12/2019)

+1 CC to SPL.GP (SR-106495[F] dated 27/12/2019)

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20.12.2019

VB (31.12.2019) 3P 7C