

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28820 of 2013
and M.P.No.1 of 2013

Muzubur Rahman

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu Tourism Development Corporation Ltd.,
No.2, Wallajah Road, Chennai - 2.
2. The Joint Commissioner of Police (North Zone),
Chennai - 1.
3. The Divisional Officer (North)
Esplanade, Chennai -1.
4. Arulmighu Masani Amman Traders,
No.4/2, Railway Line Lane,
Vadugapalayam, Pollachi,
Coimbatore District. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the 2nd and 3rd respondents to grant licence to the petitioner for sale of the Fire Crackers in the same premises No.37/70 Bunder Street Chennai-1 where the sale of crackers were continued for more than 22 years for short period for the ensuing Deepavali.

For Petitioner : No Appearance
For Respondents-1 & 2: Mr.V.Shanmuga Sundar
Special Government Pleader
For Respondent-3 : Dismissed-Vide Court Order
dated 03.06.2015
For Respondent-4 : No Appearance

ORDER

This Writ Petition is heard through Video Conference on account of COVID-19 pandemic situation.

2. The prayer in the Writ Petition is to direct the respondents 2 and 3 to grant licence to the petitioner for sale of the fire crackers in the same premises, No.37/70, Bunder Street, Chennai-1, where the sale of crackers were continued to be sold for more than 22 years for short period for the ensuing Deepavali.

3. The petitioner himself has attached the copy of the order passed by the Division Bench in Cont.P.No.1319 of 2010 for the wilful disobedience of the order of this Court in W.P.No.17040 of 2009 dated 24.08.2009. While closing the said Contempt Petition, a direction was given to the Corporation of Chennai to ensure that during festival seasons, licence was not issued for the sale of fire crackers in narrow streets and bylanes of crowded localities, rather all avenues should be explored and steps have to be taken for sale of fire crackers in open space and it was also made clear that even temporary licenses for sale of fire crackers shall be granted only after strictly complying with the requirements of law, whereas, now the petitioner is seeking licence for the sale of fire crackers in the premises in Bunder Street, Chennai where the sale of fire crackers were continued for more than two decades.

4. However, in view of the above direction given by the Division Bench and also that the Corporation of Chennai has been permitting the sale of fire crackers in Island grounds, the prayer sought for by the petitioner cannot be granted, besides, the relief sought for is for grant of licence for the year 2013. Therefore, nothing survives for adjudication in this Writ Petition.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

gg/srn

To

1. The Managing Director,
Tamil Nadu Tourism Development Corporation Ltd.,
No.2, Wallajah Road, Chennai - 2.
2. The Joint Commissioner of Police (North Zone),
Chennai - 1.

3. The Divisional Officer (North)
Esplanade, Chennai -1.

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