



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.15002 of 2020

WEB COPY

S.Annalakshmi

... Petitioner

Vs

1.The Hon'ble Secretary,
Home Department,
Fort St.George,
Chennai-600 009.

2.The Principal Secretary/
Commissioner of Revenue Administration,
Chepauk,
Chennai-600 005.

3.The District Revenue Officer
Cum-Additional District Magistrate,
Virudhunagar,
Virudhunagar District.

4.The Special Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

5.The Arunagiri Swamigal Trust
represented by its Secretary,
Mr.Venkatesan,
363,Thattumettu Street,
Sattur Road, Sivakasi,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent herein to invoke and comply the statutory provisions of Section 5-A of Explosive Act (Amended Act) enabling the petitioner to run the business, based on the License No.7 of 1997, issued by the third respondent herein with reference to the representation dated 12.10.2020, pending disposal of the appeal before the second respondent herein within the stipulated period prescribed by this Court.

For Petitioner : Mr.G.Thangavel

For Respondents : Ms.M.Rajeswari
Government Advocate
for R.1 to R.4

**ORDER**

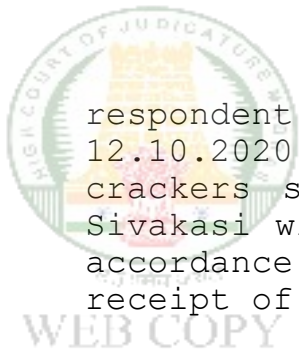
This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to invoke and comply the statutory provisions of Section 5-A of Explosive Act (Amended Act) enabling the petitioner to run the business, based on the License No.7 of 1997, issued by the third respondent herein with reference to the representation dated 12.10.2020, pending disposal of the appeal before the second respondent within a stipulated period to be fixed by this Court.

2. The petitioner claims to be running a fire crackers shop at Door No.12-A, New No.365, Thattumettu Street, Sivakasi. Aggrieved by the cancellation of licence to run a fire crackers shop at the aforementioned address by the third respondent on 30.07.2019, the petitioner has preferred a statutory appeal before the first respondent on 01.10.2019, which is still pending before the first respondent for consideration. According to the petitioner, he has been running the fire crackers shop from 1977 onwards and arbitrarily and illegally, the third respondent has cancelled the licence. He has given a representation to the second respondent to invoke and comply the statutory provisions of Section 5-A of Explosive Act (Amended Act) to enable the petitioner to run the business, based on the earlier License bearing No.7 of 1997, issued by the third respondent pending disposal of the statutory appeal before the second respondent. According to the petitioner, till date the said representation has not been considered by the second respondent. In such circumstances, this writ petition has been filed.

3. Heard Mr.G.Thangavel, learned Counsel appearing for the petitioner and Ms.M.Rajeswari, learned Government Advocate appearing for the respondents 1 to 4.

4. The relief sought for by the petitioner is an innocuous relief. No prejudice would be caused to the respondents, if the prayer sought for in this writ petition is granted. The petitioner has given a representation to the second respondent on 12.10.2020 making a request for permitting him to run the fire crackers shop at Door No.12-A, New No.365, Thattumettu Street, Sivakasi without any licence, since the earlier licence bearing No.7 of 1997 was cancelled by the third respondent on 30.07.2019. According to the petitioner, as per the earlier licence bearing No.7 of 1997, the period of licence ends only on 31.03.2020. But arbitrarily and illegally, the third respondent has cancelled the licence on 30.07.2019 itself. No positive direction can be given by this Court. It is further the respondents 1 to 4 to consider the representation of the petitioner dated 12.10.2020 on merits and in accordance with law.

<https://hcservices.courts.gov.in/hcservices/> foregoing reasons, this Court directs the second



respondent to consider the petitioner's representation dated 12.10.2020 seeking for permission to continue running the fire crackers shops at Door No.12-A, New No.365, Thattumettu Street, Sivakasi without any licence and pass final orders on merits and in accordance with law within a period of one week from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Hon'ble Secretary,
Home Department,
Fort St.George, Chennai-600 009.
 - 2.The Principal Secretary/
Commissioner of Revenue Administration,
Chepauk,
Chennai-600 005.
 - 3.The District Revenue Officer
Cum-Additional District Magistrate,
Virudhunagar,
Virudhunagar District.
 - 4.The Special Tahsildar,
Sivakasi Taluk,
Virudhunagar District.
- +1 CC to M/s.GP (SR-20659[F] dated 28/10/2020)
- +1 CC to M/s.G.THANGAVEL, Advocate (SR-20850[F] dated 02/11/2020)

W.P. (MD)No.15002 of 2020

29.10.2020

PK (CO)

KK(02.11.2020) 3P 7C

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