



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.15534 of 2020

S.Rajendran

.. Petitioner

Vs.

The Additional District Magistrate,
District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent to grant temporary permission/license for this Deepavali 2020 from 01.11.2020 to 30.11.2020 to the petitioner for doing retail fire crackers business for Deepavali 2020 at the petitioner premises at door No.6/315A, Lenin Street, Paramakudi Taluk, Ramanathapuram District, in view of the petitioner's pending application dated 23.10.2017 in view of the order in W.P.No.20709 of 2018 dated 05.09.2019, by considering the petitioner's representation dated 29.10.2020.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.C.Ramesh
Special Government Pleader

ORDER

(This writ petition is heard through video conference)

This writ petition has been filed for a mandamus seeking for a direction to the respondent to grant temporary permission / license to the petitioner for doing retail fire crackers business for the period from 01.11.2020 to 30.11.2020, for the upcoming Deepavali festival 2020, at the petitioner's premises at door No.6/315A Lenin Street, Paramakudi Taluk, Ramanathapuram District.

2.Heard Mr.Haja Mohideen, learned counsel for the petitioner, Mr.C.Ramesh, learned Special Government Pleader, who accepts notice on behalf of the respondent.

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

4.It is the case of the petitioner that ever since the year 2010, he has been doing the business of selling fire crackers under license granted to him by the respondent in license No.4/2010 for the aforementioned address. According to him, the license was last



renewed on 29.09.2016 for the period from 01.04.2016 to 31.03.2018. The respondent has not extending the licence of the petitioner for further periods, since the petitioner's shop is situated within three meters from the adjacent shops. Therefore, he has given a representation on 29.10.2020 seeking for grant of temporary license under the Explosive Act and Rules. Since the Deepavali festival is fast approaching, the petitioner has approached this Court seeking for a direction to the respondent to consider his representation for granting temporary license within a time frame to be fixed by this Court.

5.No prejudice will be caused to the respondent, if the representation of the petitioner seeking for grant of temporary license is considered by them on merits and in accordance with law. The petitioner claims that he has been running the fire crackers shop at the same premises ever since the year 2010 under a license earlier issued by the respondent, which has not been renewed by them due to the fact that the petitioner's shop is located within three meters from the neighbouring shops. Only in such circumstances, he has sought for grant of temporary license. It is for the respondent to consider the representation of the petitioner seeking for grant of temporary license on merits and in accordance with law.

6.For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 29.10.2020, seeking for issuance of temporary license for doing retail fire crackers business for the upcoming Deepavali festival, 2020, at the petitioner's premises at door No. 6/315A, Lenin Street, Paramakudi Taluk, Ramanathapuram District and pass final orders on merits and in accordance with law, within a period of five days from the date of receipt of a copy of this order.

7.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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

The Additional District Magistrate/
District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.GP (SR-21506[F] dated 06/11/2020)

W.P (MD) .No.15534 of 2020
05.11.2020

SE (CO)

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