



WEB COPY

W.P.(MD)No.15774 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.11.2020

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THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

AND

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.P. (MD)No.15774 of 2020

&

W.M.P. (MD)No.13214 of 2020

Sivakami, W/o.Ramesh

.. Petitioner

Vs.

1.State of Tamil Nadu,

Rep. by the Principal Secretary and Commissioner
of Revenue Administration,
Chepauk, Chennai - 600 005.

2.The District Collector,

Tiruchirappalli District, Tiruchirappalli.

3.The District Revenue Officer,

Tiruchirappalli District, Tiruchirappalli.

4.The Superintendent of Police,

Tiruchirappalli District, Tiruchirappalli.

5.The Revenue Divisional Officer,

Srirangam Revenue Division,
Tiruchirappalli District.

6.The Deputy Superintendent of Police,

Manapparai Sub-Division,
Tiruchirappalli District.

7.The Tahsildar,

Taluk Office,
Manapparai.

8.The Tahsildar,

Taluk Office,
Marungapuri.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to implement the provisions of the Explosives Act, 1884 and the Explosives Rules, 2008 strictly in letter and spirit in Manapparai Town, Manapparai Taluk and Marungapuri Taluk, by forbearing the sale of crackers without valid licence.



For Petitioner : Mr.T.M.Madasamy
For Respondents : Mr.M.Muthugeethaiyan
Special Government Pleader

ORDER

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(Order of the Court was made by N.KIRUBAKARAN, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to implement the provisions of the Explosives Act, 1884 and the Explosives Rules, 2008 strictly in letter and spirit in Manapparai Town, Manapparai Taluk and Marungapuri Taluk, by forbearing the sale of crackers without valid licence.

2. According to the petitioner, without licence, cracker shops are erected and the shop owners are selling the crackers without any licence, by employing the children below the age of 18 years. Even two wheelers and three wheelers are used for selling the crackers. Anybody, who intends to sell the crackers, has to follow the provisions of the Explosives Act, 1884 and the Explosives Rules, 2008. Taking into consideration the Deepavali season, the petitioner has given representations, dated 14.10.2020 and 19.10.2020 to the respondents to follow the provisions of the Explosives Act, 1884 and the Explosives Rules, 2008 strictly in letter and spirit.

3. Heard Mr.T.M.Madasamy, learned counsel appearing for the petitioner and Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for the respondents.

4. Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for the respondents has produced an action taken report, dated 17.11.2020. The relevant portion of the said report reads as follows:-

' ' ... that there are 8 permanent cracker licenses in Manapparai Taluk and one permanent cracker license in Marungapuri Taluk has been renewed for the year 2020-2021. And 4 temporary cracker licenses has issued in Manapparai Taluk for Deepavali festival by the District Revenue Officer, Tiruchirappalli. No temporary cracker license issued in Marungapuri Taluk. ...

As per District Collector instruction, one committee was formed on the head of concerned Taluk Tahsildars with Revenue and Police Officials for inspecting Crackers License shop running without license. And they are instructed to identify any violation and to take action against the concerned person, as per Explosive Act, 1884.

<https://hcservices.ecourts.gov.in/hcseivices/> the committee officials has patrolling the



respective areas and found 34 temporary cracker shops are running without license in Manapparai Taluk and 11 temporary crackers shops are running without license in Marungapuri Taluk respectively. The crackers has been seized and criminal case filed in respective police station under Section 286 IPC r/w. 5 of Explosives Act, 1908. The details of the seized license shops are enclosed separately. Also the committee officials are instructed to continue their patrolling duty until further instructions. ...''

[extracted as such]

5.From the above, it is clear that action has been taken by the authorities and 34 cases have been registered before various Police Stations against the persons, who sold crackers without licence. That apart, raids have been conducted. The details of the persons, who have been given licence, have been stated in the said report.

6.In view of the above, appropriate action has been taken against the violators under the provisions of the Explosives Act, 1884 and the Explosives Rules, 2008 and the said provisions have been given effect to.

7.Recording the above said report, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// 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

1.The Principal Secretary and Commissioner
of Revenue Administration,
Chepauk, Chennai - 600 005.



2.The District Collector,
Tiruchirappalli District, Tiruchirappalli.

3.The District Revenue Officer,
Tiruchirappalli District, Tiruchirappalli.

4.The Superintendent of Police,
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Taluk Office,
Manapparai.

8.The Tahsildar,
Taluk Office,
Marungapuri.

+1 CC to M/s.SPL GP (SR-22401[F] dated 20/11/2020)

W.P. (MD) No.15774 of 2020
18.11.2020

VR (CO)
KB (04.12.2020) 4P 10C