



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.15892 of 2020

and

W.M.P. (MD)No.13300 of 2020

WEB COPY

T.Thiagarajan

... Petitioner

Vs

1.The Commissioner of Police,
Tirunelveli City Corporation,
A.R. Line Road, Palayamkottai,
Tirunelveli.

2.The District Fire Officer,
Fire and Rescue Department,
1B/1, St. Thomas Road, Palayamkottai,
Tirunelveli.

3.The Inspector of Police,
Palam Police Station,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to renew the petitioner's cracker license No.COP.NO.91/2019-2020 and sell crackers in the shop premises No.27, S.N. High Road, Tirunelveli Junction.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents : Mr.M.Rajarajan

Additional Government Pleader

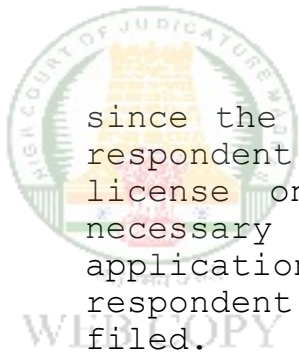
ORDER

(This Petition was heard through Video Conferencing)

This writ petition has been filed for a Mandamus seeking for a direction to direct the first respondent to renew the petitioner's cracker license No.COP.NO.91/2019-2020 and permit the petitioner to sell crackers in the shop premises of No.27, S.N.High Road, Tirunelveli Junction.

2. Heard Mr.S.M.Mohan Gandhi, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader, accepts notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that he has been running a small cracker shop in the aforementioned address ever



since the year 2012, by obtaining necessary license from the first respondent. According to the petitioner, he applied for renewal of license on 26.02.2020 by filing Form - 13 and also paid the necessary charges. But according to him, till date, the said application for renewal has not been considered by the first respondent. In such circumstances, this writ petition has been filed.

4. The learned counsel appearing for the petitioner drew the attention of this Court to the order passed by another learned Single Judge of this Court on identical matters and after referring to the same, he would submit that the petitioner is also entitled for grant of temporary license in view of the ensuing Deepavali festival.

5. The learned counsel appearing for the petitioner on instructions would submit that the petitioner is willing to comply with all the requirements of the first respondent for the grant of temporary license in favour of the petitioner.

6. After recording the submissions made by the respective learned counsels, this Court is of the considered view that in view of the ensuing Deepavali festival and in view of the fact that the petitioner has been running the fire cracker shop ever since the year 2012, he should be granted temporary license subject to the fulfillment of all the conditions imposed by the first respondent for the grant of such temporary license.

7. For the forgoing reasons, this Court directs the first respondent to grant temporary license to the petitioner to run the fire cracker shop in the premises bearing Door No.27, S.N. High Road, Tirunelveli Junction subject to the fulfillment of all the conditions imposed by the first respondent. On fulfillment of all the conditions imposed by the first respondent, the first respondent shall grant temporary license within a period of two days thereafter.

8. The Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Mrn

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 Commissioner of Police,
Tirunelveli City Corporation,
A.R. Line Road, Palayamkottai,
Tirunelveli.
- 2.The District Fire Officer,
Fire and Rescue Department,
1B/1, St. Thomas Road, Palayamkottai,
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SSS (CO)

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