



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)NO.26407 OF 2019

and

W.M.P(MD)Nos.26816 to 26818 of 2019

WEB COPY

S.Arumugam

:Petitioner

.vs.

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

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records on the file of the respondent in Na.Ka.No.G6/4690/106/2019, dated 3.12.2019 and to quash the same as illegal, invalid and violative of the principles of natural justice and further to direct the respondent to renew the Petitioner's retail sale licence to sale of crackers, in the Petitioner's above-mentioned address.

For Petitioner :Mr.S.Raja Jeya Chandra Paul

For Respondent :Mrs.J.Padmavathi Devi

Special Govt.Pleader

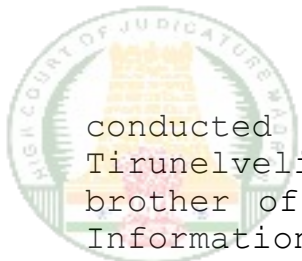
O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the proceedings of the respondent in Na.Ka.No.G6/4690/106/2019, dated 3.12.2019 and further to direct the respondent to renew the Petitioner's retail sale licence to sale of crackers, in the Petitioner's above-mentioned address.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner is a licence-holder for selling fire works and crackers since 2011.The Petitioner has also subsequently renewed the licence upto 31.3.2019. On 26.02.2019 even before the licence period got expired, the Petitioner had applied for renewal of the crackers licence for retail selling along with the required fees.

4.The District Fire Officer, Tirunelveli had also issued 'No Objection Certificate'. While-so, asthe Petitioner was carrying out maintenance work in his shop and hence, he had stored the remaining cracker stocks in the premise of his own brother at a different place. On 12.4.2019, the Sub-Inspector of Police, Tirunelveli Town Police Station, Tirunelveli had lodged a complaint against the Petitioner by raiding the premises of the Petitioner and seized the cracker stocks of the Petitioner. The raid was



conducted in the premises at Door No.319, West Car Street, Tirunelveli Town, which is a place far away from the place where the brother of the Petitioner was doing the same business. The First Information Report was also lodged and charge-sheet was filed in C.C.No.1444 of 2019 and the same was now said to have been stayed by this Court in Crl.O.P(MD)No.15277 of 2019. In the meanwhile, the Petitioner is requesting for the renewal of crackers licence. Further, the application for renewal of the licence has been rejected by the respondent on 3.12.2019, which is now impugned in the present Writ Petition.

5.The impugned order only says that the Petitioner was having excess stock than the permissible limit in his shop. As stated earlier, the excess stock was found only in the premises belonging to the brother of the Petitioner, who has been doing the same business and not in the Petitioner's premises. Apparently, the impugned order also does not say what is the permissible limit and what is the excess quantity of crackers that was stocked by the respondent in his impugned order. Except the said fact, there is no other complaint against the Petitioner for not renewing the licence. Rule 116(5) of the Explosive Rules, 2008 also specifically mandates that before refusing renewal of licence under the rule, the holder of the licence shall be given an opportunity of being heard. But in the present case, the said procedure was not followed and the impugned order has been passed in a haphazard manner. It is also not the case of the respondent that the Petitioner was convicted by any competent Court for not renewing the licence. The respondent has also not stated that the Petitioner is disqualified from holding explosive licence, for any reason. It is only the excess stock which was found in his brother's shop, who is also a licensed Cracker Vendor.

6.In such circumstances, when there is no impediment for the respondent in renewing the explosive licence in favour of the Petitioner, the respondent, has without application of mind, has passed the impugned order, rejecting his application for renewal of crackers vending licence. Therefore, the impugned order passed by the respondent, dated 3.12.2019 is set aside. For the above said reasons, the respondent is directed to renew the licence of the Petitioner, if it is otherwise in order.

7.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)



vsn

To

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

+1 CC to M/s.S.RAJA JEYA CHANDRAPAUL, Advocate (SR-801[F]
+1 CC to M/s.SPL.GP (SR-1004[F] dated 09/01/2020)

ORDER MADE IN
W.P (MD) NO.26407 OF 2019
and
W.M.P (MD) Nos.26816 to
26818 of 2019
08.01.2020

SMA/28/01/2020/3P/4C