



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2021

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THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P.(MD)No.9694 of 2021

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Kishore George

...Petitioner

Vs.

1.The District Collector,
Collectorate, Nagercoil,
Kanyakumari District.

2.District Revenue Officer,
Collectorate, Nagercoil,
Kanyakumari District.

3.The Superintendent of Police,
Kanyakumari District Office at Nagercoil,
Kanyakumari District.

4.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

5.The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

6.The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 03.09.2019 and to remove the articles kept in petitioners godown in R.S.No.487/5 of Kaliyal Village, Kadayal Post, Vilavancode Taluk, Kanyakumari District at the earliest.

For Petitioner : Mr.G.Cenil

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, seeking direction to the third respondent to consider the representation of the petitioner dated 03.09.2019 and remove the articles kept in the property of the petitioner in Survey No.487/5 at Kaliyal Village, Kadayal Post, Vilavancode Taluk, Kanyakumari District.



2.The case of the petitioner is that the petitioner is a license holder of explosive substances for quarrying business. He started business from 23.06.2004. So during that time, various police station officials pressurized the petitioner to store explosives that has been seized in various cases in the unit. The storage unit has been constructed as per the norms and guidelines prescribed in the Explosives Act 1884. This involves security risks. The petitioner also employed two security guards for the monthly salary of Rs.15,000/- per person.

3.The fourth respondent after getting orders from various Courts on many occasions have stored 10 bags of explosives in the storage shed from 21.11.2011. So this continued till 2016. The petitioner requested the respondent to remove the explosives that has been stored in the petitioner's shed. Since there was no proper reply, he sent representations on various dates. In spite of various representations there was no action. Hence, this petition.

4.Heard both sides.

5.When the matter is taken up for hearing, on the side of the respondents, a submission was made to the effect that the explosives which was stored in the premises of the petitioner has been defused on 12.06.2021 in the quarry itself. But this fact is disputed by the petitioner. So, direction was given to the respondent to visit the shed of the petitioner along with the petitioner to verify the position. Accordingly, the police officials visited the place of petitioner. From the photographs submitted by the petitioner, it is seen that still the explosives have been stored in the shed. The petitioner is facing difficulty in maintaining the shed and payment of salary to security guard etc., The ground on which the petitioner's shed had been used by the respondent is that, it comply the norms and guidelines that has been prescribed for storing the explosive materials. When the petitioner expressed his difficulty in continuing the storage of explosives, it is the duty of the respondent to find alternative place and remove the same in a proper safety manner.

6.Considering the facts and circumstances of the case, there shall be a direction to the respondents herein to find alternative accommodation, which is suitable to satisfy the requirement of rules and regulations, which are made applicable to store the explosive substances as per the Act. Such exercise shall be undertaken within two months from the date of receipt of a copy of this order. So, after finding suitable accommodation, the explosive substances that has been stored in the petitioner's accommodation must be removed from that place to the alternative accommodation, after getting proper permission from the concerned Courts.



7. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

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/ /2021

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 District Collector,
Collectorate, Nagercoil,
Kanyakumari District.
2. District Revenue Officer,
Collectorate, Nagercoil,
Kanyakumari District.
3. The Superintendent of Police,
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6. The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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