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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**W.A(MD)NO.1920 OF 2021
and
C.M.P(MD)Nos.8470, 8471 and 8474 of 2021**

S.Rajendran

:Appellant/Petitioner

.vs.

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

: Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.15352 of 2021, dated 31.08.2021.

Prayer in WP(MD). 15352/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a CERTIORARIFIED MANDAMUS to call for the records of the respondents impugned order in Muu.Mu.(C4)/21601/2018 dated 02.08.2021 and quash the same as it devoid of merits and direct the respondent renew the Licence No. 4/2010 for the retail sale of fireworks and crackers at Door No.6/315-A, Lenin Street, Paramakudi Taluk, Ramanathapuram District by considering his representation dated 12.05.2021, 10.06.2021 within the period as stipulated by this Honourable Court and pass such further or other orders as this Honourable Court may deem fit and proper in the above circumstances.

For Appellant

:Mr.R.Anand
for Mr.J.Pandidurai

For Respondent

:Mr.P.Thilakkumar
Government Pleader

**JUDGMENT**

[Judgment of the Court was made by **M.DURAISWAMY, J.**]

Challenging the order passed in W.P(MD)No.15352 of 2021, the Writ Petitioner has filed the above Writ Appeal.

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2.The appellant had filed the Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the respondent's impugned order, dated 02.08.2021 and to quash the same and to direct the respondent to renew the licence No.4 of 2010 for the retail sale of fire works and crackers at Door No.6/315-A, Lenin Street, Paramakudi Taluk, Ramanathapuram District by considering the Petitioner's representations, dated 12.05.2021 and 10.6.2021, within a time frame.

3.The learned Single Judge taking into consideration the case of both the parties, dismissed the Writ Petition finding that the reasoning given by the respondent is proper and that the appellant has got remedy by way of an appeal before the Additional Chief Secretary/Commissioner of Revenue Administration, Revenue Administration, Disaster Management and Mitigation Department, Ezhilagam, Chennai - 600 005.

4. On a perusal of the order, dated 02.08.2021, which is impugned in the Writ Petition, it is clear that the respondent had specifically stated that if the appellant is aggrieved over the order, he should file an appeal before the Additional Chief Secretary/Commissioner of Revenue Administration, Revenue Administration, Disaster Management and Mitigation Department, Ezhilagam, Chennai-600 005 within 30 days. The Petitioner without exhausting the appeal remedy, has filed the Writ Petition under Article 226 of the Constitution of India. When the learned Single Judge taking into consideration the order passed by the respondent as well as the availability of the appeal remedy, rightly dismissed the appeal. We do not find any ground to interfere with the order passed by the learned Single Judge. The Writ Appeal is devoid of merits and accordingly, the Writ Appeal stands dismissed. In the event of the appellant filing an appeal before the Additional Chief Secretary/Commissioner of Revenue Administration, Revenue Administration, Disaster Management and Mitigation Department, Ezhilagam, Chennai-600 005, the Appellate Authority shall decide the appeal, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

**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/
The District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.

Copy to:

The Additional Chief Secretary/
Commissioner of Revenue Administration,
Revenue Administration, Disaster Management and Mitigation
Department, Ezhilagam, Chennai-600 005.

+1 CC to M/s.J.PANDI DURAI, Advocate (SR-31897[F] dated
11/10/2021)

+1 CC to M/s.SPL.GP (SR-31758[F] dated 08/10/2021)

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and

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MGJ(21.10.2021) 3P 5C