



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.31074 of 2014

and

M.P.No.1 of 2014

R.Nagalingam

...Petitioner

-vs-

1. State of Tamil Nadu
Rep by its Additional Chief Secretary/
Commissioner of Revenue Administration,
Disaster Management and
Mitigation Department,
Ezhilagam, Chennai - 5.
2. The District Revenue Officer,
Villupuram.
3. The Revenue Divisional Officer,
Tindivanam,
Villupuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for records of the 1st respondent in his proceedings RA.5 (1)/66491/2012 (A.A.No.87/2012) dated 15.10.2014 and to quash the same as illegal and consequently to direct the respondents 1-3 to renew the licence of the petitioner (A.A.No.87/2012).

For Petitioner : Mr.M.Govindarraaj

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari Mandamus to call for records of the 1st respondent in his proceedings RA.5(1)/66491/2012 (A.A.No.87/2012) dated 15.10.2014 and to quash the same as illegal and consequently to direct the respondents 1-3 to renew the licence of the petitioner.



2. The case of the petitioner is that, he is running a small sale industry for manufacturing Fire crackers and has obtained licence for manufacturing crackers under Form 20 in the year 1990 and the same was renewed periodically. While so, when the petitioner made an application dated 17.02.2012 for renewal of the licence, the 2nd respondent vide proceedings dated 27.11.2012 cancelled the licence on the ground that, there was a blast at the petitioner's firm, in which two persons lost their life and a Criminal case in Crime No.331 of 2012 has been registered against the petitioner firm. Aggrieved by the said proceedings, the petitioner preferred an appeal dated 10.10.2014 before the 1st respondent and the same was dismissed on 15.10.2014 on the ground that the Tahsildhar, Revenue Divisional Officer and Superintendent of Police, Villupuram have not recommended for grant of licence in favour of the petitioner, as there is a Criminal case pending against him. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner submit that, though the petitioner obtained Explosives licence under Form 20 in the year 1990, his renewal application dated 17.02.2012 was rejected solely on the ground that, there is a Criminal case pending against the petitioner firm. However, the said accident had happened inadvertently. He further submitted that, both the renewal application and Appeal were rejected based on the adverse report of the Authorities. Hence, he prays that, this court may quash the impugned order dated 15.10.2014 and consequently direct the respondents to renew the petitioner's Explosives licence.

4. The learned Additional Government Pleader appearing on behalf of the respondents submitted that, based on the adverse report and pendency of Criminal case, the petitioner's application and appeal for renewal of licence was rejected. However, he fairly conceded that, if any direction is given by this Court, the same will be complied with within the time stipulated by this Court.

5. Facts in the present case are not in dispute. Admittedly, the petitioner obtained Explosives licence in the year 1990 and subsequently the renewal application was cancelled in the year 2012 and the Appeal filed by the petitioner was also rejected on the ground that the Criminal case is pending against the petitioner. A perusal of the orders passed by the original and appellate authorities reveal that based on the adverse report and pendency of Criminal case, the application for renewal of licence was rejected. It is not the case of the petitioner that, the orders have been erroneously passed without considering the materials submitted by the petitioner. There being no illegality



or perversity in the order impugned, this court is not inclined to interfere with the impugned rejection order dated 15.10.2014. However, this Court with a view to grant one more opportunity, after disposal of Criminal case, grants liberty to the petitioner to file fresh application for renewal of licence before the respondents and on receipt of such application, the respondents are directed to consider the same and pass appropriate orders in accordance with law, taking into consideration the status of the criminal case.

6. This Writ Petition is accordingly disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rap/skt

To

1. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Disaster Management and
Mitigation Department,
Ezhilagam, Chennai - 5.
2. The District Revenue Officer,
Villupuram.
3. The Revenue Divisional Officer,
Tindivanam,
Villupuram District.

+1cc to the Government Pleader, S.R.No.10254

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NR(CO)
SB(02/03/2022)