



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.4987 OF 2017

AND

W.M.P.NO.5234 OF 2017

Mrs.S.Padmavathy,
W/o.(Late) Saravanan

...Petitioner

Vs.

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

2.The District Collector,
Cuddalore District,
Cuddalore.

3.The Additional District Magistrate
and District Revenue Officer,
Cuddalore District, Cuddalore-1.

4.The Divisional Officer,
Divisional Office for Fire Rescue and
Services, Cuddalore.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order Na.Ka.C4/3187/2014, dated 16.04.2014 passed by the 2nd respondent herein and consequently the first respondent confirmed the orders passed by the 2nd respondent in its R.A.5(1)/22141/2015, dated 29.02.2016 quash the same and consequently direct the 3rd respondent to renew the License LE-1, renewal for the further period of three years with the prescribed fee paid already.

For Petitioner : Mr.V.Ramana Reddy

For Respondents : Mr.M.Shahjahan,
Special Government Pleader
for R1 to R4



O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed challenging the order of 2nd respondent cancelling the explosive manufacturing license and the consequential order of 1st respondent rejecting the appeal filed by the petitioner.

2. Brief facts leading to the filing of this Writ Petition is as follows:-

The petitioner was earlier granted license for manufacturing explosives at R.S.No.262/2, Adur Agaram Village, Cuddalore Taluk and District in the year 2002. Subsequently, the license has been periodically renewed and finally, the license was renewed on 07.10.2011 for the period of three years. After the renewal, an accident has been taken place in the licensed premises on 16.04.2014, in which six persons died. In the said circumstances, the crime was registered against the petitioner in Crime No.121/2014 on the file of Inspector of Police, Kurinjipadi Police Station for the offences under Sec.286, 336, 304 I.P.C. and Sec.8 read with Sec.9(B)-1(c) of Explosives Act, 1884 and Sec. 5 of Explosive Substance Act, 1908. Subsequently, a proceedings has been initiated to revoke the license and after giving opportunity to the petitioner, the 2nd respondent District Collector revoked the license of the petitioner by an order dated 16.04.2014. Challenging the same, the petitioner filed an appeal before the 1st respondent and the appellate authority has also by an order dated 29.02.2016 dismissed the appeal. Now, challenging both orders, the petitioner has filed the present Writ Petition.

3. The 2nd respondent filed a counter affidavit stating that, explosive accident has been taken place due to the negligence of the petitioner and also in violation of license conditions. The petitioner has permitted inexperience labourers to meet out the urgent work orders. Due to inexperience and lack of knowledge workers, the explosive accident was taken place. Hence, the 2nd respondent had revoked the license of the petitioner.

4. Mr. V.Ramana Reddy, learned counsel appearing for petitioner would content that, the accident did not take place due to the negligence of the petitioner, even as per the report submitted by the Revenue Divisional Officer, at the time of accident, the petitioner was not there and only due to the negligence of one of the workers, the accident was taken place, for which, the petitioner license cannot be revoked. But, both the authorities, without considering the same, had revoked the license.



5. Per contra, learned Government Advocate appearing for respondents 1 to 4 would submit that, only due to the negligence of the petitioner, the explosive accident was taken place and six valuable life were lost. The enquiry clearly reveals that, the petitioner had engaged inexperience people as labours temporarily to meet out urgent work orders in violation of license condition, due to which, accident was taken place. The 2nd respondent after giving reasonable opportunity to the petitioner and also giving valid reason, had cancelled the license, which has been confirmed in appeal by an order dated 29.02.2016, and there is no reason to interfere with the same.

6. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

7. Admittedly, the explosive accident took place in the petitioner licensed premises, in which, six employees life were lost, and a criminal case has also been registered against the petitioner. The initial enquiry also clearly reveals that, the petitioner has engaged some inexperience labours temporarily to meet out urgent work orders in violation of license condition, due to the same, the accident has been taken place. The 2nd respondent licensing authority, after considering all the materials, had come to the conclusion that the accident was taken place due to the negligence of the petitioner and in violation of license conditions, accordingly, cancelled the license. The 1st respondent appellate authority has also confirmed the order passed by the original authority.

8. Considering the fact that the accident was taken place due to violation of license conditions, the license is liable to be revoked under Sec.6(3)(b) of Explosive Substance Act. Both the authorities, after considering the materials, after giving fair opportunity of hearing to the petitioner, has rightly revoked the license and I find no illegality in the order passed by the authorities. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

rpp



To

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

2.The District Collector,
Cuddalore District,
Cuddalore.

3.The Additional District Magistrate
and District Revenue Officer,
Cuddalore District, Cuddalore-1.

4.The Divisional Officer,
Divisional Office for Fire Rescue and
Services, Cuddalore.

+1cc to Mr.V.Ramana Reddy, Advocate, Sr.No.11504

+1cc to the Government Pleader, Sr.No.12388

W.P.No.4987 of 2017

BR(CO)
RVM(31/03/2022)