



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.06.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.2305 of 2012

and

M.P (MD) No.1 of 2012

WEB COPY

V.Arumugasamy

... Petitioner

Vs.

1.The Special Thasildar,
(Inspector of Matches & Fireworks),
Sivakasi Taluk,
Virudhunagar District.

2.S.Sagunthala

3.S.Vairakumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order issued by the first respondent in Na.Ka.No.A1/28/2012, dated 28.02.2012 and quash the same.

For Petitioner	: Mr.S.Venkatesh
For R-1	: Mr.S.Shanmugavel
	Additional Government Pleader
R2 & R3	: Mr.V.Sasi Kumar

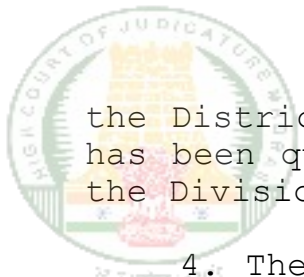
ORDER

The present Writ Petition has been filed challenging the order passed by the first respondent, under which he has directed the writ petitioner to stop all further manufacturing activities in the cracker fire works.

2. According to the learned Counsel for the petitioner, the licence for the cracker fire works was standing in the name of "Vadivel Fire Works Limited" consisting of two partners, namely, V.Arumugasamy and V.Selvaraj. After the death of V.Selvaraj, some dispute arose between the writ petitioner and the family members of V.Selvaraj with regard to conducting the fire works factory. On the objection raised by the second and third respondent, an order was passed by the District Revenue Officer on 04.07.2009, cancelling the arms licence in favour of the firm. The said order was challenged by the writ petitioner in W.P(MD)No.9222 of 2009. By an order, dated 16.12.2009, this Court was pleased to allow the writ petition. The said order was challenged by the second respondent herein in W.A(MD) No.722 of 2009. The Hon'ble Division Bench was pleased to confirm the order of the learned Single Judge.

3. The present impugned order has been passed by the first respondent herein referring to the order, dated 04.07.2009 passed by

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the District Revenue Officer, ignoring the fact that the said order has been quashed by this Court and confirmed in the writ appeal by the Division Bench.

4. The learned Counsel for the petitioner also points out that the first respondent has passed the present impugned order without issuing any notice or hearing the writ petitioner.

5. However, the learned Counsel for the respondent points out that when the explosive licence and the arms license stands in the name of a firm and one of the partners have passed away the licenses get cancelled automatically. The learned Counsel for the respondent points out that since the explosive licence was standing in the name of the firm, in which the second respondent husband was also a partner, on his death, the licence will get automatically cancelled. Hence, he further contended that the impugned order passed by the first respondent is sustainable in law, in view of the fact that the said licence has got automatically cancelled. The learned Counsel for the writ petitioner point out that his Sulphur licence alone has been cancelled originally and his request for renewal of the said Sulphur licence has not been addressed and no relief has been granted to him. On 05.02.2011, the District Revenue Officer has refused to pass any orders on merits, considering the fact that this a partnership dispute between the relatives. Hence, as on today, there is no Sulphur licence in favour of the writ petitioner. In view of the above said facts, the impugned order is set aside. However, the petitioner would be entitled to manufacture fire crackers without the ingredient of Sulphur, in view of the reason that Sulphur licence has already been cancelled and it has not been renewed.

6. The learned Counsel for the petitioner further submits that the matter cannot be remitted to the file of the first respondent, in view of the fact that he has no jurisdiction to pass any orders suspending the factory work. In view of the said submissions, this Court finds that no purpose would be serve in remitting the matter to the file of the first respondent, the impugned order is set aside.

7. The Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

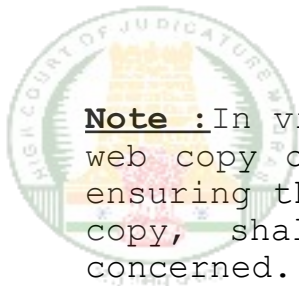
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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WEB COPY

To

The Special Thasildar,
(Inspector of Matches & Fireworks),
Sivakasi Taluk,
Virudhunagar District.

+1 CC to M/s.A. SIVAJI, Advocate (SR-25871[F] dated 15/06/2022)

+1 CC to M/s.V. SASI KUMAR, Advocate (SR-25948[F]
dated 15/06/2022)

+1 CC to M/s.SPL.GP (SR-26121[F] dated 16/06/2022)

Order made in
W.P. (MD) .No.2305 of 2012
15.06.2022

KG (CO)

GC(28.06.2022) 3P 5C