



W.P.(MD).No.1750 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.1750 of 2013

S.Seenivasan

... Petitioner

Vs.

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

2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.M/s.Sellis Fire Works,
Represented by its partner,
S.M.K.Elango,
82/1, Madura Coats Colony,
Sathur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order, dated 24.07.2012, made in RC.No.RA.5(1)/65061/2009 A.A.No.98/2009 on the file of the Principal



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Secretary/Commissioner of Revenue Administration, the first respondent herein confirming the order, dated 06.07.2009, made in R.Dis.No. E4/38633/2007 on the file of the Additional District Magistrate and the District Revenue Officer, Virudhunagar District, the second respondent herein and quash the same and consequently direct the second respondent to grant No Objection Certificate in Form 20 under the Explosives Rules to the petitioner.

For Petitioner : Mr.C.Meenakshirama Prabhu

For R-1 & R-2 : Mr.D.Sasikumar
Additional Government Pleader

For R-3 : Mr.S.Pon Senthilkumaran

ORDER

The present Writ Petition has been filed challenging an order passed by the first respondent herein, under which, the request of the petitioner for grant of No Objection Certificate for manufacturing crackers was rejected.

2. As per the impugned order, the third respondent herein has given objection on the ground that, the proposed fire cracker unit of the writ petitioner falls within the 200 metres prohibited zone of the already existing fire cracker unit. Hence, the third respondent herein based upon



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the said objection, had passed the impugned order rejecting the No Objection Certificate sought for by the writ petitioner.

3. The third respondent herein was granted No Objection Certificate for starting a fire cracker unit by the second respondent herein vide its order, dated 29.07.2009. Only three years, thereafter, the present impugned order has been passed. Hence, it is evident that the third respondent has already started its unit in the year 2009 itself. It is pertinent to point out that the No Objection Certificate granted in favour of the third respondent herein was not challenged by the writ petitioner at any point of time. Once, the third respondent has legally established a fire cracker units, the writ petitioner would not be entitled to start another fire cracker unit within the prohibited distance of 200 metres from the existing fire cracker unit as per the statutory rules.

4. In view of the above said facts, the order impugned in the writ petition does not suffer from any illegality or infirmity. The writ petition is devoid of any merits and the same is dismissed. However, if the petitioner approaches concerned statutory authorities seeking No



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Objection Certificate citing a place which is 200 metres away from the existing fire cracker unit, the same shall be considered on merits.

5. With the above said observations, the writ petition stands dismissed. There shall be no order as to costs.

11.08.2022

Index : Yes / No
Internet : Yes / No
btr

To

- 1.The Principal Secretary/
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and Mitigation Department,
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- 2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 3.The partner,
M/s.Sellis Fire Works,
S.M.K.Elango,
82/1, Madura Coats Colony,
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R.VIJAYAKUMAR, J.

btr

Order made in
W.P.(MD).No.1750 of 2013

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