



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD) .No.1570 of 2021

V.Vignesh Muthukumar

...Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

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

3.The Special Tahsildar,
Inspection of fireworks and Match Factory,
Virudhunagar District,
Sivakasi.

4.G.Parasakthipriyenka

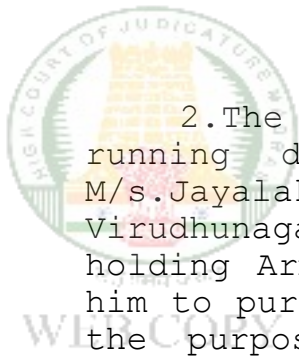
...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to grant fresh arms act license in Form - II in the name of the petitioner by considering the petitioner's representation, dated 15.06.2020, within the time frame stipulated by this Court may deem fit and proper in the circumstance of the case.

For Petitioner	:	Mr.R.Anand For J.Pandi Dorai
For R1 to R3	:	Mr.S.Shanmugavel Additional Government Pleader
For R4	:	No Appearance

ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction to the second respondent/the District Revenue Officer, Virudhunagar District to grant fresh arms act license in Form - II, in the name of the petitioner/V.Vignesh Muthukumar by considering the representation, dated 15.06.2020.



2.The petitioner and the fourth respondent appear to have running dispute with respect to a partnership firm called M/s.Jayalakshmi Fireworks, which is running at Rajapalayam Taluk in Virudhunagar District. Originally, the grandfather K.Muthiah was holding Arms Act License with license No.389/1959. That permitted him to purchase, possess, consume an annual quantity of Sulphur for the purpose of manufacturing fireworks. Thereafter, the said business entity/Jayalakshmi Fireworks went through some modifications that it was converted to a partnership firm. Naturally, the partners then started to quarrel among themselves. This started to revolve around the fireworks license and its renewal.

3.The petitioner had applied for renewal of license and even in the cause title to the Writ Petition, he had described himself as a partner of M/s.Jayalakshmi Fireworks. Grant of license in the name of the partnership firm or recognizing the petitioner to be given the license as a partner in the M/s.Jayalakshmi Fireworks is objected by the fourth respondent.

4.Let me not enter into a discussion on that particular fact.

5.The learned Counsel for the petitioner however states that the application given by the petitioner is in his individual name to start a separate business in his name and for that particular purpose he requires an Arms License. The petitioner probably does not want to anymore lean on the partnership firm, but, had taken a decision to stand alone and to do business independently.

6.A status report had been filed by the second respondent/the District Revenue Officer, who is the authority, who has to finally decide whether the petitioner is entitled to be granted license or not. The second respondent had stated that in the partnership firm, M/s.Jayalakshmi Fireworks there are three partners, Savithiri wife of Vairaprakasam, Parasakthi Priyanga Wife of Samuel Raj (fourth respondent) and Vignesh Muthukumar son of Vairaprakasam (petitioner). It is also stated that the fourth respondent had originally expressed consent for grant of new license in Form II in favour of the petitioner. But thereafter, by a further representation on 07.01.2021, she had raised objections for grant of new license in favour of the petitioner. It had been stated that the petitioner had satisfied all other conditions for grant of a new license in Form II in favour of the petitioner.

7.It is for the second respondent/District Revenue Officer and to take a decision. The second respondent must issue notice to the petitioner, notice to the fourth respondent and also notice to Savithiri and other partners of M/s.Jayalakshmi Fireworks.

8.If the petitioner intends to start business in his individual services, <https://hcservices.ecourts.gov.in/hcservices/> link that particular business from M/s.Jayalakshmi



Fireworks then, he has to file necessary undertaking and affidavit before the second respondent, stating that he would do business independent of M/s.Jayalakshmi Fireworks and seek Arms License to do that particular business independently.

9.If he satisfied all other conditions, then the second respondent may take a considered decision on his representation. However, if he seeks license in the name of the partnership firm and in his capacity as a partner of M/s.Jayalakshmi Fireworks then, the consent of all the partners are required. A decision should be taken by the second respondent depending upon the nature of application, the enquiry and the nature of representations made before the second respondent by the three partners of M/s.Jayalakshmi Fireworks.

10.The said exercise by the second respondent, may be completed within a period of sixteen weeks from the date of receipt of a copy of this order. The second respondent may follow procedure known to law by issuing notice, by receiving representations/explanations and thereafter, considering them and passing orders.

11.Two options are available, either grant license in the name of the petitioner or grant license in the name of the firm, after obtaining consent from all the partners and the third extreme option is to reject the application. These options are available for the second respondent and I hope that a judicious decision would be taken by the second respondent in the course of the enquiry. Any other explanations if given by the petitioner with respect to license sought may also be considered by the second respondent.

12.With the above observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

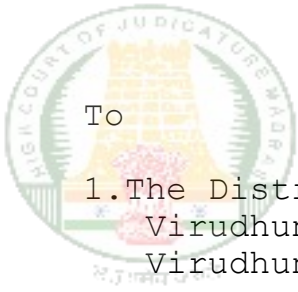
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/ /2022

Sub Assistant Registrar(CS)

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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

1.The District Collector,
Virudhunagar District,
Virudhunagar.

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

3.The Special Tahsildar,
Inspection of fireworks and Match Factory,
Virudhunagar District,
Sivakasi.

+1 CC to M/s.R.VIDHYA, Advocate (SR-2620[F] dated 27/01/2022)

+1 CC to M/s.J.PANDI DORAI, Advocate (SR-2898[F]
dated 28/01/2022)

+1 CC to M/s.SPL.GP (SR-2590[F] dated 27/01/2022)

W.P(MD) .No.1570 of 2021
25.01.2022

NSN (CO)
GC(08.02.2022) 4P 7C