



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.26657 of 2022

U.Murugaiah

..Petitioner

Vs

1.The District Collector,
Office of the Collector,
Virudhunagar District.

2.The District Revenue Officer and
Additonal District Magistrate,
Virudhunagar District.

3.The Tahsildar,
Vembakottai,
Virudhunagar District.

4.Muniamma

5.M.Sumathi

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to take necessary action to cancel the Explosive Stock License Number.208 of 2020 issued to the 4th respondent and Explosive Stock License Number 37 of 2022 issued to the fifth respondent by the second respondent by considering his representation, dated 6.10.2022 within the time limit prescribed by this Court.

For Petitioner :Mrs.Jessi Jeeva Priya

For Respondents:Mrs.K.Christy The Boral

**ORDER**

The Writ Petition has been filed seeking issuance of a Writ of Mandamus the respondents 1 to 3 to take necessary action to cancel the Explosive Stock License Number.208 of 2020 issued to the third respondent and Explosive Stock License Number 37 of 2022 issued to the fifth respondent by the second respondent by considering his representation, dated 6.10.2022 within the time limit prescribed by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that the Petitioner is retired as Lt Cdr from naval service.After retirement, he purchased the petition mentioned properties in various sale deeds and doing agriculture in the said land. Whiles, the respondents 4 and 5 have constructed cracker shops adjacent to the Petitioner's shops. As per the rules, there will be a safety distance of 15 metres to be maintained between the licensed shop and the protected works including agricultural lands. Hence the Petitioner made a representation on 7.4.2021 to the third respondent and third respondent had rejected the same by his proceedings, dated 16.8.2021



said land and it was kept as Tharisu. Aggrieved by the same, the Petitioner preferred an appeal on 30.9.2021 to the Chief Secretary, Department of Agriculture, Chennai. Since no action was taken, the Petitioner submitted a representation on 31.7.2021 to the Honourable Governor of Tamil Nadu with copies to the respondents 1 and 2 to cancel the Explosives Stock License No.208 of 2020. Then the Petitioner was served with a copy of the letter from the Assistant Director(Panchayats), Virudhunagar District in his proceedings, dated 11.10.2022 to the 4th respondent for necessary action to cancel the Explosives Stock License No.37 of 2022 issued to the fifth respondent. The Petitioner has submitted a representation on 6.10.2022 in this regard to the official respondents. Since the same was not considered, the Petitioner has come forward with this writ Petition for the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the Petitioner's representation will be considered and appropriate orders will be passed, on merits and in accordance with law, within the time limit prescribed by this Court.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the respondents 1 to 3 to consider the representation of the Petitioner, dated 6.10.2022 and pass appropriate orders on merits and in accordance with law, after affording an



opportunity of hearing to all the parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of.

Nocosts.

28.11.2022

Index : Yes/No

Internet: Yes/No

vsn

To

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3. The Tahsildar,
Vembakottai,
Virudhunagar District.



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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN
W.P(MD)No.26657 of 2022

28.11.2022



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