



WEB COPY

WP.No.3965 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.02.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.3965 of 2023 and
WMP.Nos.4029 & 4030 of 2023

M/s.Balamurugan Agency
Rep. by its Proprietor,
S.Karthikeyan S/o.Sivasubramanian
No.69, Ambalathadayar Madam Street,
Puducherry-605 001.

...Petitioner

Vs

1.The Deputy Controller of Explosives
Petroleum and Explosives Safety Organisation (PESO),
A&D, Wing, Block 1-8,
II floor, Shastri Bhavan,
26 Haddous Road, Nungambakkam,
Chennai-600 006.

2.S.Kumaravel

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the letter dated 24.01.2023 vide No.G/SC/PY/06/35 (G17093) issued by the first respondent and quash the same as illegal, ultra vires, non-est, null and void.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.V.T.Balaji [for R1]
Senior Panel Counsel



ORDER

Mr.V.T.Balaji, learned Senior Panel Counsel accepts notice for R1 and is armed with instructions to enable a disposal of the matter even today, at the time of admission.

2.In light of the order that is proposed to be passed, no notice is thought necessary to R2 at this juncture.

3.The prayer is to a show cause notice dated 24.01.2023 and this Court is of the considered view that this writ petition is premature as the impugned communication only calls upon the petitioner to appear for a personal hearing and to putforth his case. The allegations and counter explanations are not adverted to seeing as the proper authority to take note of all facts and circumstances in deciding the issue of LPG dealership and storage will be the authorities.

4.A writ petition had came to be filed by the transferor of the gas agency relating to the same cause of action is before me now in WP.No.31567 of 2018. This Court observing that the impugned order would be treated as a show cause notice and that the Joint Controller of Explosives will conduct an enquiry and decide as to whether to renew the lease or not, disposed the writ petition on 14.09.2022. Pursuant to that order, the petitioner claims to have filed a reply as well.



5. Thus, the impugned communication is only a continuation of the enquiry that is in fact been ordered by this Court and no infirmity is made out in regard to the same. The petitioner will thus appear for the hearing as scheduled on 13.02.2023 and this writ petition is dismissed. Needless to say the conduct of enquiry will be fair and full and the petitioner as well as the private respondents will be heard after issuance of notice and the proceedings will be concluded in accordance with law and applicable regulations. No costs. Connected miscellaneous petitions are closed.

10.02.2023

Index : Yes/No

Speaking Order

Neutral Citation: Yes

vs

To

The Deputy Controller of Explosives
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Dr.ANITA SUMANTH,J.

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