



WEB COPY



W.P. No.4526 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No.4526 of 2020

and

WMP.Nos.5372 and 5373 of 2020

D. Jayasankar

... Petitioner

Vs.

1. District Collector cum District Magistrate,
Government of Puducherry,
Puducherry – 605 001.

2.R. Jayamohan

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in respect of the Order No.1291/DM/D1/2019, dated 27.12.2019 and quash the same and consequently direct the 1st respondent to renew the licence to the petitioner.

For Petitioner	: Dr.S.S.Swaminathan
For Respondents	: Mrs.Sharadha Vivek
	AGPCD for R1
	R2 - Unclaimed



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ORDER

This writ petition has been filed to quash the Order No.1291/DM/D1/2019, dated 27.12.2019 issued by the 1st respondent and consequently direct the 1st respondent to renew the licence to the petitioner.

2. The case of the petitioner is that he entered into a rental agreement with the 2nd respondent and was in the business of manufacture of fireworks. It is averred that explosive licence was granted to him by the 1st respondent on 29.06.2012 and he renewed the same, periodically. Likewise, in the year 2016, when he submitted his application for renewal of the said licence, the 1st respondent has issued a notice, dated 26.11.2019, calling upon him to appear for enquiry along with necessary documents. Later, he appeared before the 1st respondent and expressed that due to negotiation talks in finalising the enhanced rent with the 2nd respondent, who is the owner of the occupied premises, he was unable to furnish the renewed rental agreement. It is further averred that subsequently, he filed a suit in O.S. No.212 of 2020 before the Principal District Munsif Court, Puducherry seeking for permanent



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injunction restraining / evicting him from lawful possession without due process of law. When such being the position, the impugned order, dated 27.12.2019 has been issued by the 1st respondent, thereby the explosive licence granted in his favour was cancelled, without affording sufficient opportunity to him. Aggrieved over the same, this writ petition has been filed to quash the said order as well for issuance of consequential directions.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner mainly argued that even without providing any opportunity to the petitioner, the impugned order has been passed, which is nothing but violation of principles of natural justice. Hence, he prays before this Court for quashing of the impugned order and thereby, the present petition may be allowed.

4. Learned Additional Government Pleader appearing for the 1st respondent submits that the petitioner was provided opportunity to produce certain documents for renewal of the explosive licence, whereas, the petitioner has not submitted the renewed tenancy agreement with the



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2nd respondent, and therefore, the order dated 27.12.2019 has been issued by the 1st respondent, which is legally sustainable. Hence, he submits that the impugned order warrants no interference by this Court and on that score, he prays for dismissal of this writ petition.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the 1st respondent. Despite service of notice to the 2nd respondent, it is seen that the same has been returned as unclaimed. Considering the pendency of this writ petition, this Court is inclined to dispose of this writ petition based on the available records.

6. Admittedly, the petitioner and the 2nd respondent have entered into a rental agreement. It is not in dispute that the 1st respondent had granted explosive licence in favour of the petitioner and the same was renewed periodically. On a careful perusal of records, it is seen that the 1st respondent has issued notice, dated 18.11.2019 to the petitioner to appear for an enquiry along with certain documents. While so, it is noted that the tenancy agreement between the petitioner and the 2nd respondent



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was terminated, thereby the petitioner has failed to produce the requisite documents called for by the 1st respondent. Once the tenancy agreement is terminated by the 2nd respondent, the petitioner is not entitled for explosive licence and on that score, the licence was cancelled. The said order being a well considered one, the necessary documents having not been produced inspite of grant of opportunity to the petitioner, there is no necessity to interfere in the impugned order, as the same is a valid one.

7. For the reasons aforesaid, this writ petition is devoid of merits and, accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

06.06.2023

Internet : Yes/No

Index: Yes/No

Speaking order/Non-speaking order
vsi2

To

The District Collector cum District Magistrate,
Government of Puducherry,
Puducherry – 605 001.



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M.DHANDAPANI, J.

vsi2

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