



W.P.(MD) No.16525 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2023

CORAM:

THE HONOURABLE MS.JUSTICE B.PUGALENDHI

W.P.(MD) No.16525 of 2012

P.Harishkumar

... Petitioner

Vs.

- 1.The Chief Controller of Explosives,
Department of Explosives,
Government of India,
5th Floor,
Central Government Office Complex,
Nagpur,
Maharastra State.
- 2.The Joint Chief Controller of Explosives,
Department of Explosives,
Government of India,
Rukmani Lakshmpathy Road,
Egmore,
Chennai.
- 3.The Deputy Chief Controller of Explosives,
Department of Explosives,
F.R.R.D.C. Building,
Sivakasi West,
Sivakasi,
Virudhunagar District.



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4.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

5.S.Pitchaikani

6.N.S.Kalirajan

7.A.Kartheeswari

8.N.Grahalakshmi

9.K.Vairappalam

10.P.Vignesh Kumar

11.V.Arumugasamy

12.A.Vasanthavikas

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to cancel the license granted from 19.07.2011 till 31.03.2013 under Form 20 and 21 in the name of M/s.Karthi Fireworks, Sivakasi forthwith and not to renew the license further.

For Petitioner	:	Mr.M.P.Senthil
For R1 to R3	:	Mr.P.Subbiah CGSC
For R11 and R12	:	Mr.A.Sivaji
For R4	:	Mr.J.K.Jeya Selan Government Advocate



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ORDER

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This petitioner has approached this Court for issuance of writ of Mandamus, directing the respondents 1 to 3 to cancel the license granted from 19.07.2011 till 31.03.2013 in the name of M/s.Karthi Fireworks, Sivakasi forthwith and not to renew the license further.

2. The petitioner is the grandson of one Shenbagakutti Nadar. The petitioner's grandfather is running the Fireworks factory in the name and style of Karthi Fireworks in Survey Nos.1257, 1269, 1270/1, 2B, 1271/1A, 2A, 2B, 2B2, 2B1, 2B3A, 2B3B, 1271/2B2, 1B, 1274/2A, 2B, 1273/2A1, 2B1, 2A2, 1273/2B2, 1B, 1274/2A and 2B at Anuppankulam Village, Sivakasi Taluk, Virudhunagar District. Shenbagakutti Nadar as the Kartha, was managing the said Fireworks factory, namely, Karthi Fire Works with the help and assistance of his sons, S.Pitchaikani/5th respondent and one N.S.Kalirajan/6th respondent.

3. The petitioner's grandfather, namely, Shenbagakutty Nadar died on 03.06.2003 leaving the respondents 5 to 9 herein as his legal heirs. Under a registered partition deed dated 22.02.2005, the said properties



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along with other properties were partitioned between them and the properties related to Karthi Fireworks were allotted to the petitioner's father, namely, S.Pitchaikani/5th respondent. After that, the petitioner and her brother, namely, Vigneshkumar/10th respondent herein are in joint possession and enjoyment of the properties.

4. The petitioner's grievance is that the petitioner's father and his brother had fraudulently created the records and entered into a partnership agreement on 20.07.2003, under the name and style of Karthi Fireworks. Respondents 5 and 6 herein with the collusion of respondents 11 and 12 fraudulently created a document by way of inducting the respondents 11 and 12 as Partners in the said Karthi Fireworks with an intention to defeat the petitioner's interest in the firm. Now, the respondents 10 and 11 have obtained license for running the fire works in the name of Vadivelu Fire Park and running the fire works factory.

5. This writ petition was filed on 17.12.2012 and notice was ordered on 19.12.2012 and further notice was ordered on 27.11.2019. The petitioner has not taken any steps and failed to pay the batta for the 6th respondent till date.



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6. If the petitioner is having a claim that he is also having the right over the property of his grandfather, he can establish the same before the competent Civil Court.

7. This writ petition is filed for writ of Mandamus to cancel the license granted from 19.07.2011 till 31.03.2013 in the name of M/s.Karthi Fireworks and not to renew the license hereafter. This writ petition is filed without challenging the license in the manner known to law. The period of license is also over and therefore, nothing survives in this writ petition. Hence, this writ petition is dismissed with liberty to the petitioner to file Civil Suit claiming his title over the subject property. In the event of filing the civil suit, such suit will be filed within a period of four weeks from the date of receipt of a copy of this order. Civil Court shall exclude the period of the pendency of this writ petition before this Court for calculating the limitation and shall proceed with the suit in accordance with law. No Costs.

16.10.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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B.PUGALENDHI,J

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