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W.P.(MD).No.19876 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.19876 of 2020

and

W.M.P.(MD)Nos.16565 and 16566 of 2020

P.Ammatchi

... Petitioner

Vs.

1.The District Revenue Officer cum
Additional District Magistrate,
Tirunelveli, Tirunelveli District.

2.The Tahsildar,
Valliyoore Taluk,
Tirunelveli District.

3.Johnwesley

4.Thirukurungudi Sri Jeeyar Mutt,
represented by its Power Agent,
Thirukurungudi, Nanguneri Taluk,
Tirunelveli.

... Respondents



W.P.(MD).No.19876 of 2020

WEB COPY

***(R3 is impleaded, vide Court order, dated
27.09.2022, in W.M.P.(MD)No.3451 of 2021
in W.P.(MD)No.19876 of 2020)***

***(R4 is impleaded, vide Court order, dated
19.10.2022, in W.M.P.(MD)No.18296 of 2022
in W.P.(MD)No.19876 of 2020)***

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records on the file of the 1st respondent pertaining to its order bearing Na.Ka.No.Ee4/21768/2017 dated 04.10.2019 and the consequential proceeding bearing Na.Ka.No.Ee4/21768/2017 dated 01.09.2020 and to quash the same and consequently, to direct the respondents to renew the explosive license of the petitioner's PP.Fire works bearing No.1/2003-2004 from 01.04.2020 to 31.03.2023 by considering the representation of the petitioner dated 05.08.2020.

For Petitioner	: Mr.S.C.Herold Singh
For R1 and 2	: Mr.B.Saravanan Additional Government Pleader
For R3	: Mr.S.R.Anbarasu
For R4	: Mr.M.Ramasamy



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W.P.(MD).No.19876 of 2020

ORDER

This writ petition is filed for writ of ***Certiorarified Mandamus***, to quash the impugned order dated 04.10.2019 the 1st respondent and the consequential proceeding dated 01.09.2020 and consequently, to direct the respondents to renew the explosive license of the petitioner's PP. Fire Works bearing No.1/2003-2004 from 01.04.2020 to 31.03.2023 by considering the representation of the petitioner dated 05.08.2020.

2. Admittedly, the petitioner's husband was having a license for manufacturing fireworks from 1986 onwards. The petitioner's husband died and the petitioner had applied for license under Form 20 and the said license was granted during 2003, which was renewed from time to time up to 2018. Unfortunately, an accident took place in the year 2017 and the petitioner's son was injured and another person was succumbed to the injuries.



W.P.(MD).No.19876 of 2020

WEB COPY

3. Based on accident, FIR was registered in Crime No.152 of 2017 and Section 286 of IPC @ 304(A) of IPC and another criminal case was registered in Crime No.416 of 2017 for the offences under Sections 286, 9(B) and 1(b) of Explosive Act and the same is pending. In the meanwhile, the petitioner preferred a writ petition in W.P.(MD)No.20103 of 2017 wherein this Court vide order, dated 16.07.2018, granted liberty to the petitioner to submit fresh application seeking for renewal of license and the respondents were directed to consider the same uninfluenced by the earlier order of suspension. Hence the petitioner submitted an application dated 03.08.2018 and also submitted several applications.

4. The learned Counsel appearing for the respondents vehemently opposed the prayer of the petitioner and submitted that the criminal case is pending. There is a civil suit against the petitioner. Moreover, there is dispute in lease agreement between the petitioner and the landlord. The petitioner refuted



W.P.(MD).No.19876 of 2020

WEB COPY

the contention of the respondents and submitted that as far as the criminal cases are concerned the same ended with imposing penalty on the petitioner and there is no criminal case is pending as on date. As far as the suit is concerned, the suit is filed by the son of the petitioner's husband who was born to the 1st wife and the same is family dispute and the same cannot be cited to decline license. As far as the dispute between the landlord and the petitioner is concerned, the petitioner submitted that the lease is renewed and there is a subsequent lease agreement and the lease agreement is still subsisting.

5. On perusal of the impugned orders, it is seen that the respondents have not stated any reason for not considering to renew the license. The impugned order is bereft of any reason and it is total non-application of mind and it is a non-speaking order. Therefore, this Court is inclined to set aside the impugned orders.



WEB COPY



W.P.(MD).No.19876 of 2020

6. Moreover, the time prescribed in the impugned orders have also lapsed. Therefore, the petitioner is directed to submit fresh application for renewal of license. The respondents shall consider the same uninfluenced by the earlier orders. The said exercise shall be considered within a period of six weeks from the date of receipt of a copy of this order.

7. Hence, the writ petition is allowed in above terms. No costs.
Consequently, connected miscellaneous petitions are closed.

03.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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WEB COPY



W.P.(MD).No.19876 of 2020

To

- 1.The District Revenue Officer cum
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- 2.The Tahsildar,
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W.P.(MD).No.19876 of 2020

S.SRIMATHY, J.

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W.P.(MD).No.19876 of 2020

03.08.2023