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W.P.(MD)NO.26860 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26860 of 2023 AND
W.M.P.(MD)No.23083 of 2023

K.Ramakrishnan

... Petitioner

Vs.

1. The District Collector,
O/o.the District Collector,
Dindigul District.
2. The Superintendent of Police,
O/o.the Superintendent of Police,
Dindigul District.
3. The District Revenue Officer,
O/o.the District Revenue Officer,
Dindigul District.
4. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Palani Taluk,
Dindigul District.
5. The Tahsildar,
O/o.the Tahsildar,
Vedasandur Taluk,
Dindigul District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the record of the impugned order in Na.Ka.No. 30880/2022/C4



dated 26.10.2023 passed by the Respondent No.3 and the quash the same as illegal and consequently direct the respondents to grant license for running crackers shop at Survey No.1278/1A2 to an extent of 0.3.61 Acres at Nagampatty, Vedasandur Taluk, Dindigul District.

For Petitioner : Mr.R.Rajaselvan

For R-1, R-3 to R-5: Mr.S.Ra.Ramachandran,
Additional Government Pleader.

For R-2 : Mr.A.Albert James,
Government Advocate.

* * *

ORDER

Heard both sides.

2. The petitioner applied for permanent crackers license. The petitioner's request was rejected vide proceedings dated 26.10.2023 by the third respondent. Challenging the same, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that he would limit himself to seek temporary license for this year



alone. He would renew his request for permanent license later.

4. It is seen that the petitioner's request was rejected only on the ground that the electric lines were passing within the distance of 15 meters. The learned Additional Government Pleader relies on the License Condition No.(15) in Schedule V Licence Form LE-6 of the Explosives Rules 2008 which reads as follows:-

“ No electrical wire shall be allowed within 15 metres of the area where the fireworks are laid down.”

5. I had a look at the photographs. The petitioner intends to sell crackers in a separate shop which is a concrete building. The overhead lines are passing behind the building. Therefore, the conditions referred in the Schedule V intends to restrict the licensee. It does not refer to the overhead lines maintained by the TANGEDCO.



6. In this view of the matter, the third respondent is directed to grant temporary crackers license to the petitioner today itself so as to enable him to sell the crackers on retail basis. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2023

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

Note : Issue order copy on 08.11.2023 by 5.00 pm.

To:

1. The District Collector,
O/o.the District Collector,
Dindigul District.
2. The Superintendent of Police,
O/o.the Superintendent of Police,
Dindigul District.
3. The District Revenue Officer,
O/o.the District Revenue Officer,
Dindigul District.
4. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Palani Taluk, Dindigul District.
5. The Tahsildar,
O/o.the Tahsildar,
Vedasandur Taluk,
Dindigul District.



WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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