



W.P(MD)No.26885 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26885 of 2023

and

W.M.P.(MD)Nos.23102 and 23104 of 2023

M.Senthil

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

... Respondents

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 pertaining to the impugned order passed by the 2nd respondent dated Nil and quash the same as illegal and consequently directing the 2nd respondent to issue cracker license in petitioner's favour to sale and possess the crackers at Shop in Door No.558H,



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situated at survey No.673/3A, Vikramasingapuram Part-I Village, Ambasamudram Taluk, Tirunelveli District by considering the application No.TNCRACKERS/2023/00055 payment on 02.07.2023.

For Petitioner : Mr.K.Govindarajan,
For Mr.C.Saravanakumar.

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner's father had been granted permanent license to sell crackers at Door No.558H in S.No.673/3A, Vikramasingapuram Part-I Village, Ambasamudram Taluk. He passed away. The petitioner applied for transfer of license. It is still pending. The petitioner therefore applied to the authorities for grant of temporary license at Door No.558-I. It was rejected. Challenging the same, the present writ petition came to be filed.



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3.It is seen that the petitioner has obtained clearance from the Fire Service as well as the jurisdictional Tahsildar.

4.The learned Government Advocate points out that the petitioner must fulfil the norms set out in Rule 83(4) of the Explosives Rules, 2008. The learned counsel for the petitioner produced photographs of the shop where he proposes to sell crackers. When the adjacent shop had been granted permanent license, I do not find any reason to take a different view for Shop No.558-I. It is located on the ground floor. It is separated from other parts of the building by substantial walls. Since the shop is opening outwards to the main road, it can be accessible for fire fighting also. None of the objectionable features set out in the statutory rule are present in this case. The impugned order has been passed without having regard to the relevant aspects. The second respondent is directed to issue temporary license in favour of the petitioner forthwith and without any delay.



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5.This writ petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

08.11.2023

NCC : Yes/No

Index : Yes / No

Internet : Yes/ No

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Issue order copy by 02.30 pm on 08.11.2023.

To:-

- 1.The District Collector,
Tirunelveli District.
- 2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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