



W.P.No.21344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21344 of 2024

And

W.M.P.No.23301 of 2024

C.Mohankumar

... Petitioner

Vs.

1.The District Revenue Officer,
Salem,
Salem District.

2.The Revenue Divisional Officer,
Mettur,
Salem District.

3.The District Officer,
Fire Service Department,
Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing Na.Ka.No.1123958/2023/C3 dated 14.06.2024 passed by the first respondent and quash the same and subsequently directing the first respondent to grant license to run Permanent Crackers shop in S.F.No.707/1C3A of Gonur East Village, Mettur, Salem District admeasuring to an extent of 160 Square feet.



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For Petitioner : Mr.Ali Hasan Khan
For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing Na.Ka.No.1123958/2023/C3 dated 14.06.2024 passed by the first respondent and quash the same and subsequently direct the first respondent to grant licence to run permanent crackers shop in S.F.No.707/1C3A of Gonur East Village, Mettur, Salem District admeasuring to an extent of 160 Square feet.

2.The case of the petitioner is that the petitioner is doing the business of fireworks and crackers under the name of SS Crackers. Every year during Diwali Festival, he apply for temporary crackers shop licence and obtained the same for the past six years. In the year 2023, inorder to improve his business, he constructed a permanent crackers shop in his uncle's land after getting registered lease deed bearing document no.2615/2023 on the file of SRO, Mettur admeasuring an extent of 160 square feet in S.F.No.707/1C3A of Gonur East Village, Mettur Taluk, Salem District.



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3.The further case of the petitioner is that he made an application before the first respondent on 11.07.2023 as per Rule 113 of Explosive Rules, 2008 and had submitted Form-AE5 application seeking issuance of permanent licence to run the crackers shop. The first respondent forwarded the same to respondents 2 and 3 for further action. On 22.08.2023, the third respondent inspected the subject premises and issued no objection certificate vide proceedings dated 23.08.2023, however, thereafter there was no action. Hence, the petitioner filed W.P.No.31979 of 2023 before this Court seeking direction to the respondents to grant licence to run permanent crackers shop in the subject property and this Court disposed of the said writ petition on 07.11.2023 with direction to the respondents to dispose of the petitioners application seeking permanent licence within a time frame, pursuant to which, the impugned order was passed by the first respondent on the ground that in and around the subject property there are several approved and unapproved layouts and it is a residential zone and there is no pathway to reach the subject property.

4.Heard the arguments advanced on either side and perused the



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materials available on record.

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5.The petitioner claims to have obtained leasehold rights from his uncle vide document no.2615/2023 registered on the file of SRO, Mettur to an extent of 160 square feet in S.F.No.707/1C3A of Gonur East Village, Mettur Taluk, Salem District in which the petitioner claims to have constructed a pucca shop and sought for permanent licence to run the crackers shop. However, the impugned order reveal that in and around the subject property there are several housesites and it is a residential zone and there is no pathway to reach the subject property.

6.Further, there is effective appeal remedy available to the petitioner under Section 6-F of The Explosives Act, 1884 and instead of filing appeal before the appellate authority, the petitioner has filed this writ petition which is unsustainable one.

7.At this juncture, the learned counsel appearing for the petitioner submitted that this Court may permit the petitioner to exhaust the appeal remedy and prayed that the period during which



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the writ petition was pending before this Court may be excluded for the purpose of limitation.

8.In view of the above, this Court grants liberty to the petitioner to file appeal under Section 6-F of The Explosives Act, 1884 before the appellate authority, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the appellate authority, shall consider the same and pass appropriate orders, within a period of two weeks thereafter. The period during which the writ petition was pending before this Court is excluded for the purpose of limitation.

9.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

30.09.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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M.DHANDAPANI,J.
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To

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