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Writ Petition No.31391 of 2024, etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23/10/2024

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

**Writ Petition Nos.31391, 31393, 31402, 31404, 31407, 31410,
31418, 31419, 31420, 31423, 31433, 31435, 31436, 31438,
31441, 31525 and 31528 of 2024**

a n d

**W.M.P.Nos.34067, 34068, 34064, 34066, 34086, 34088,
34085, 34089, 34096, 34091, 34093, 34097, 34120, 34112,
34113, 34114, 34115, 34117, 34119, 34118, 34139, 34135,
34136, 34131, 34130, 34132, 34134, 34138, 34143, 34144,
34267, 34268, 34270 and 34271 of 2024**

Writ Petition No.31391 of 2024

B. Jeyalakshmi ... Petitioner

Vs

1. The District Collector
Tiruvarur District
Tiruvarur.
2. The District Magistrate-cum-
The District Revenue Officer
Tiruvarur District
Tiruvarur.
3. The Revenue Divisional Officer
Tiruvarur District
Tiruvarur.

... Respondents.

PRAYER in W.P.No.31391 of 2024: Petition filed under Article 226 of the



Writ Petition No.31391 of 2024, etc., batch

Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the order passed by the second respondent in Na.Ka.7605-10/2024/E4 dated 8/10/2024 and quash the same and consequently, direct the respondents to allow the petitioners to run the firecracker shop till the license period i.e., upto 31/3/2026.

For petitioners	...	Mr.K.Sathish Kumar (in W.P.Nos.31391, 31393, 31402, 31404, 31407, 31410, 31418, 31419, 31420, 31423, 31433, 31435, 31436, 31438, 31525 and 31528 of 2024) Mr.R.Dhanasekar for Mr.N.Kesavaraj (in W.P.No.31441 of 2024)
For respondents	...	Mr.J.Ravindran Additional Advocate General Assisted by Mr.U.Baranidharan Additional Government Pleader

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COMMON ORDER

These writ petitions have been filed to quash the order dated 8/10/2024 passed by the second respondent in Na.Ka.7605-10/2024/E4 and consequently, direct the respondents to allow the petitioners to run the firecracker shop till the license period i.e., upto 31/3/2026.



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2. In view of the consent expressed by the learned counsel appearing for either side, these petitions are taken up for final disposal.

3. The case of the petitioners are that they are the firecrackers shop licensees, who are purchasing the crackers directly from the manufacturers on wholesale rate and selling in retail rate to the customers with best discount during the festival period. There are more than 50 numbers of licensed shops situated at Valangaiman Village and the licenses were issued by the second respondent, for the period of one year, initially, subject to the provision of Explosives Act, 1884 (as amended from time to time) and the Explosives Rules, 2008. Subsequently, licenses were renewed by the second respondent by order dated 3/4/2023 for a period from 1/4/2023 to 31/3/2026. All of a sudden, the second respondent issued a show cause notice in Na.Ka.No.7605-10/2024 E-4 dated 23/7/2024, based on the report submitted by the third respondent, pointing out some deficiencies, which violates Rule 83 (C), Rule 86 (2) and 83 (4) c of the Explosive Rules, 2008. The petitioners had submitted explanations to the second respondent. Without considering the same, the second respondent issued the impugned order. Being aggrieved, the petitioners have filed these writ petitions praying for the



relief as stated supra.

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4. Heard Mr.K.Sathish Kumar and Mr.R.Dhanasekar, learned counsel for the petitioners and Mr.J.Ravindran, learned Additional Advocate General for the respondents.

5. The learned counsel appearing for the petitioners submitted that Valangaiman Village is familiar for selling the firecrackers during Deepavali festival and no untoward incidents have taken place in the past 30 to 40 years. All of a sudden, the second respondent had cancelled the license temporarily for nearly 40 shops. Since, the petitioners have invested huge money, anticipating their license exists till 2026, requests this Court to quash the impugned order passed by the second respondent.

6. The learned Additional Advocate General appearing for the respondents submitted that since fire accidents are often taking place, Government had issued G.O.(Ms) No152, Labour Welfare and Skill Development (M2) Department, dated 3/10/2023, wherein a Committee had been formed on the proposal of Director of Industrial Safety and Health (FAC) and Committees, viz., “State Fire and Industrial Safety Committee” at



the State level, and “District Fire and Industrial Safety Committee at the District level. In the said G.O., the Committee has been directed to ensure proper implementation of the Fire and Industrial Safety measures, during the bursting of crackers during Deepavali festival. Based on the above fact, impugned order has been issued and hence, prays for dismissal.

7. Admittedly, all the petitioners are selling fire crackers in retail rate at Valangaiman Village. Initially, they have obtained license and the same was renewed by the second respondent for the period from 1/4/2023 to 31/3/2026. All said and done, second respondent had cancelled the license, on the ground that they have not followed the fire safety measures and violated the distance criteria, as specified in Rule 86 (2), 83 (4) of the Explosive Rules, 2008 and hence, directed the petitioners to vacate the place where they were doing business.

8. Though the consideration which had passed in the mind of the Committee while passing the impugned order, however, this Court, considering the plight of the petitioners sympathetically, more particularly, keeping in mind the ensuing Deepavali festival, of the view that while granting license, the second respondent had obtained report from the Fire



Safety Department, Revenue Divisional Officer, Police Department and also perused the Building Safety report, therefore, at this point of time, they cannot differ from the said view projected in their own report. In such view of the matter, this Court is inclined to give a direction to the petitioners to give an undertaking before the respondents with regard to adherence to fire and safety measures as enumerated by the respondents so as to enable them to continue with their avocation, which will meet the ends of justice.

9. Accordingly, the petitioners are directed to give an undertaking affidavit to the respondents to the effect that they will follow the Standard Operating Procedure and would ensure that no untoward incidents happens. If any untoward incidents happen, the petitioners alone would be solely mulcted with the responsibility and in such circumstances, the petitioners would not be entitled to approach the Government for any relief. On receipt of the said undertaking affidavit, the respondents are directed to permit the petitioners to continue their business in the same place, where they were doing the said business.

10. With the above directions, these writ petitions are disposed of. It is to be borne in mind that the petitioners are entitled to carry on the fire



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cracker business at Valangaiman Village, only upto November 5, 2024. If the petitioners continue their business, beyond the said period, the respondents are at liberty to take action in the manner known to law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

23/10/2024

mvs.

Index : Yes / No

Neutral Citation: Yes/No

Note: Issue order copy on 24/10/2024

To

1. The District Collector
Tiruvarur District
Tiruvarur.
2. The District Magistrate-cum-
The District Revenue Officer
Tiruvarur District
Tiruvarur.
3. The Revenue Divisional Officer
Tiruvarur District
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M.DHANDAPANI,J

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