



W.P.Nos.32064 & 32066 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.32064 & 32066 of 2024

and

WMP.Nos.34821 to 34823, 34825, 34828 & 34831 of 2024

N.Umapathi ...Petitioner in W.P.No.32064 of 2024

N.Dinesh Kumar ...Petitioner in W.P.No.32066 of 2024

Vs.

1. The District Collector,
Tiruvallur District, Tiruvallur.
2. The Additional District Magistrate cum District Revenue Officer,
Tiruvallur District, Tiruvallur.
3. The Revenue Divisional Officer,
Tiruttani Taluk, Tiruvallur District. ...Respondents in both W.P's.

Prayer in W.P.No.32064 of 2024: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to order passed by the 2nd respondent in Na.Ka.No.138541/2024/M5 dated 18.10.2024, quash the same and direct the respondents to renew the license in License bearing No.01/2018 dated 23.02.2018 for the period of one year i.e. 2024-2025 and permit the petitioner to sell the firecrackers in the shop namely Umapathy Crackers Shop situated in S.No.118/2, NSC Bose Street, Tiruttani.

Prayer in W.P.No.32066 of 2024: Writ Petition filed under Article 226 of



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Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to order passed by the second respondent in Na.Ka.No.138541/2024/M5 dated 18.10.2024, quash the same and direct the respondents to renew the license in License bearing No.06/2009 dated 13.10.2009 for the period of one year i.e. 2024-2025 and permit the petitioner to sell the firecrackers in the petitioner's crackers shop situated in S.No.118/2, NSC Bose Street, Tiruttani.

In both W.P's.:

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.J.Ravindran, AAG,
Assisted by Mr.U.Baranidharan, AGP.

COMMON ORDER

Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.

2. The petitioners have filed these Writ petitions seeking quashment of the order of the 2nd respondent in Na.Ka.No.138541/2024/M5 both dated 18.10.2024 and to consequently, direct the respondents to renew the petitioners' licenses bearing Nos.01/2018 dated 23.02.2018 and 06/2009 dated 13.10.2009 respectively, for the period of one year i.e. 2024-2025 and permit them to sell the firecrackers in their respective shops.

3. Mr.U.Baranidharan, learned Additional Government Pleader takes



notice on behalf of the respondents. By consent, these Writ petitions are taken up for final disposal at the admission stage itself.

4. The case of the petitioners is that they are selling firecrackers particularly during Diwali festival for the past several years by obtaining permanent license and the same has been renewed periodically, after due inspection made by the officials. The petitioners made their applications before the 3rd respondent for renewal of their license for the year 2024-2025, pursuant to the same, the officials inspected the petitioners' respective shops and submitted the report before the 3rd respondent, recommending for renewal of license. While so, without considering the above said recommendations made by the officials, the 2nd respondent, vide impugned order both dated 18.10.2024 had temporarily cancelled the petitioners' license. Challenging the same, the petitioners have filed these writ petitions.

5. Learned counsel appearing for the petitioners submitted that the petitioners are selling the firecrackers during Deepavali festival for the past several years, without violating any of the terms and conditions imposed in the license and no untoward incidents have taken place in the past years.



While so, all of a sudden, the 2nd respondent had cancelled the petitioners' license temporarily on the ground that there exists an EB Godown in the Northern side of the petitioners' shop and a railway station near the petitioners' shops, which is not sustainable and the petitioners have invested huge money, anticipating their license to be renewed. Hence, he requests this Court to quash the impugned order passed by the 2nd respondent.

6. 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 facts, the present impugned order has been issued cancelling the petitioners' license temporarily on the ground that, there exists an EB Godown and railway station near the



petitioners' shops and if any untoward incident happens in the petitioners' shops, the same would cause huge damage and the said order of the 2nd respondent does not warrant any interference of this Court. Accordingly, he prayed for dismissal of these Writ petitions.

7. Heard learned counsel on either side and perused the materials available on record.

8. Admittedly, the petitioners are selling fire crackers at Tiruttani. Initially, they have obtained permanent license and the same was renewed periodically. While so, the 2nd respondent had temporarily cancelled the license of the petitioners, on the ground that they have not followed the distance criteria, as specified in Rule 86 (2), 83 (4) of the Explosive Rules, 2008 and further, the petitioners were called upon to send appropriate explanation as to why their license should not be cancelled permanently.

9. Be that as it may. However, this Court, considering the plight of the petitioners sympathetically, more particularly, keeping in mind the ensuing Deepavali festival, 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.

10. 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.

11. 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 cracker business only upto November 5, 2024. If the petitioners continue their business, beyond the said period, the respondents are at liberty to take action



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in the manner known to law. No costs. Consequently, the connected

Miscellaneous Petitions are closed.

25.10.2024

skt

NCC : Yes/No

Index : Yes/No

Speaking Order : Yes/No

Note to office: Issue order copy on 29.10.2024.

To:

1. The District Collector,
Tiruvallur District, Tiruvallur.
2. The Additional District Magistrate cum District Revenue Officer,
Tiruvallur District, Tiruvallur.
3. The Revenue Divisional Officer,
Tiruttani Taluk, Tiruvallur District.

M.DHANDAPANI, J.

skt



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