



W.P.No.32496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32496 of 2024
and
WMP.No.35306 of 2024

V.Meiyappan

...Petitioner

Vs.

1. The Commissioner of Revenue Administration,
Chepauk, Chennai – 600 005.
2. The District Collector,
Vellore District.
3. The District Revenue Officer,
Vellore District.
4. The District Fire Officer,
Vellore District.
5. Dr.R.Srikanth,
Professor, Government Medical College,
Adukkamparai, Vellore.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to his order passed in Na.Ka.No.VaNi 5(2)/E-8655968/2024 dated 25.10.2024 and quash the same and consequently,



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direct the 1st to 3rd respondents to renew the petitioner's licence LE-5/13/GDM for the period of 5 years.

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For Petitioner : Mr.K.Sakthivel

For Respondents : Mr.U.Baranidharan, AGP, for R1 to R4

ORDER

The petitioner has filed this Writ petition seeking quashment of the order of the 1st respondent in Na.Ka.No.VaNi 5(2)/E-8655968/2024 dated 25.10.2024 and to consequently, direct the respondents 1 to 3 to renew the petitioner's licence LE-5/13/GDM for a period of 5 years.

2. Mr.U.Baranidharan, learned Additional Government Pleader takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the 5th respondent, notice to the 5th respondent is dispensed with.

4. The case of the petitioner is that, the petitioner and his family



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members are selling firecrackers particularly during Diwali festival for the past 59 years by obtaining permanent license and the same has been renewed periodically from 1965 to 2024 and as the previous license granted in favour was for the period from 01.04.2021 to 31.03.2024, the petitioner made an application dated 09.02.2024 for renewal of license for a period of five years and pursuant to the same, the revenue officials inspected the petitioner's shop on 13.05.2024 and submitted the report before the 3rd respondent, recommending for renewal of license in favour of the petitioner. While so, without considering the above said recommendation made by the officials, the 3rd respondent, vide impugned order dated 04.10.2024 refused to grant license in favour of the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent, who in turn, vide order dated 25.10.2024 issued a direction to the 2nd respondent/the District Collector to grant temporary license in favour of the petitioner till 31.10.2024, after following due process of law. Challenging the same, the petitioner has filed this Writ petition.

5. Learned counsel appearing for the petitioner submitted that the



petitioner and his family members are running crackers business for the past 59 years, particularly during Deepavali festival, 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 3rd respondent had cancelled the petitioner's license on the ground that the place where the petitioner is running the cracker shop is in dilapidated condition and there is no clarity with regard to the passage to the petitioner's shop, which is not sustainable and the petitioner has invested huge money, anticipating his license to be renewed, aggrieved by which, he preferred an appeal before the 1st respondent, who in turn, vide order dated 25.10.2024 instead of allowing the petitioner's appeal by setting aside the order of the 3rd respondent dated 04.10.2024 and instead of granting license in favour of the petitioner, issued a direction to the 2nd respondent/the District Collector to grant temporary license in favour of the petitioner till 31.10.2024, after conducting appropriate enquiry. Accordingly, he prayed for appropriate orders.

6. On the above said contentions, heard learned Additional Government Pleader appearing on behalf of the respondents 1 to 4 and perused the materials placed on record.



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7. Admittedly, the petitioner is selling fire crackers at Gudiyatham.

Initially, the petitioner and his family obtained license in the year 1965 and the same was renewed periodically till 2024. While so, the 3rd respondent had cancelled the license of the petitioner, on the ground that the petitioner has not followed the safety measure, as specified in Rule 83(4)(a) & (d) of the Explosive Rules, 2008 and there is no clarity with regard to the independent entrance and emergency exit to the petitioner's shop.

8. Be that as it may, however, this Court, considering the plight of the petitioner sympathetically, more particularly, keeping in mind the ensuing Deepavali festival, without interfering with the order impugned, is inclined to give a direction to the petitioner 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 him to continue with his avocation, which will meet the ends of justice.

9. Accordingly, the petitioner is directed to give an undertaking affidavit to the respondents to the effect that he will follow the Standard Operating Procedure and would ensure that no untoward incidents happens. If



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any untoward incidents happen, the petitioner alone would be solely mulcted with the responsibility and in such circumstances, the petitioner 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 petitioner to continue his business in the same place, where he was doing the said business.

10. Further, the 2nd respondent/District Collector is directed to conclude the license proceedings of the petitioner in terms of the order of the 1st respondent dated 25.10.2024 within a period of two weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

11. With the above directions, this Writ petition stands disposed of. It is to be borne in mind that the petitioner is entitled to carry on the fire cracker business only upto November 5, 2024. If the petitioner continues his 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 Petition is closed.

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NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

Note to office: Issue order copy on 29.10.2024.

To:

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Chepauk, Chennai – 600 005.
2. The District Collector,
Vellore District.
3. The District Revenue Officer,
Vellore District.
4. The District Fire Officer,
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M.DHANDAPANI, J.

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