



W.P(MD)No.6748 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6748 of 2024

and

W.M.P.(MD)No.6246 of 2024

V.P.M.Jeyamani

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The District Revenue Officer,
Ramanathapuram.

3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

4.The Sub Collector,
Paramakudi Taluk,
Ramanathapuram District.

5.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram 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



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records of the impugned order passed by the 4th respondent in Moo.Mu.(A2)2833-2023 dated 19.10.2023 and quash the same and further directing the 3rd respondent to renew the license in License No.11/2005 on the basis of representation dated 05.02.2024.

For Petitioner : Mr.M.Ajmal Khan

For Respondents : Mr.A.Kannan,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner has been running a firecracker shop. She had license right from the year 2005. Her request for renewal was rejected by citing two reasons. Challenging the rejection order, the present writ petition came to be filed.

3.The learned counsel for the petitioner draws my attention to Rule 116(5) of the Explosive Rules, 2008. It reads as follows:-

“116. Refusal to amend or renew a licence.—

(5) Before refusing renewal of a licence under the rule, the holder of the licence shall be given an opportunity of being heard.”



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4. In this case, the petitioner was not given any opportunity of being heard. On this ground, the order impugned in this writ petition is set aside and the matter is remitted to the file of the fourth respondent. The petitioner is at liberty to place the materials to show that the shop in question fulfils the parameter laid down in Section 83(4) of the Act. She is also at liberty to place the sketch as well as the photographs. The fourth respondent shall consider all the materials to be placed by the petitioner and pass an appropriate order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

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Ramanathapuram.
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Ramanathapuram.
- 3.The Revenue Divisional Officer,
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Ramanathapuram District.
- 4.The Sub Collector,
Paramakudi Taluk,
Ramanathapuram District.
- 5.The Tahsildar,
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