



W.P(MD)No.13324 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13324 of 2024

and

W.M.P.(MD)Nos.11703 and 11705 of 2024

M/s.Sri Sai Fireworks,

Wrongly shown as

(Sri Sai Fireworks Industries in the impugned order),

Sy No. 263/2a, 264/3, 264/4, 264/5,

V.Muthulingapuram Village,

Virudhunagar Taluk & District,

Rep. By its Managing Partner,

N.Sathivel Rajan.

... Petitioner

Vs.

1.The District Revenue Officer and
Additional District Magistrate,
Virudhunagar District,
Virudhunagar.

2.The Special Tahsildar (Matches
and Fireworks - Investigation),
Sivakasi, Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records related to the impugned proceedings Na.Ka.E4/151/2024 of the first respondent dated Nil.2024 signed on 12.06.2024 and quash the same.



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For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.D.Sasikumar,
Addl. Government Pleader.

ORDER

Heard both sides.

2.By the impugned order, the petitioner's arm license has been suspended. I went through the contents of the impugned order. I am more than satisfied that the defects pointed out in the impugned order do not pertain to Sri Sai Fireworks (the licensee in the case on hand). Sri Sai Fireworks is a registered firm. Thiru.N.Sakthivel Rajan is its Managing Partner. It is seen that Thiru.N.Sakthivel Rajan is a partner in a few other firms and those firms have come under the adverse notice of the department. Those firms are Sri Sai Cracker World, Sri Sai Pyro World, Sri Sai Crackers Bazar and Sri NKS Crackers. I therefore find considerable force in the contention of the learned counsel for the petitioner that for the defects found in the running of other firms, the petitioner's license could not have been suspended.

3.The impugned order invokes Section 17(3)(b) of the Arms Act, 1959.

It reads as follows:-



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“17. Variation, suspension and revocation of licences.-

(3) The licensing authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence,-

(a)

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or”

The aforesaid provision could not have been invoked at all. Thus, looked at from any angle, the impugned order cannot be sustained.

4.In fact, before commencement of the argument, the learned Additional Government Pleader fairly submitted that if the petitioner appears before the first respondent and gives an undertaking that he or the other firms in which he is a partner would not manufacture firecrackers that have been specifically banned by the Hon'ble Supreme Court and that he would scrupulously comply with the statutory terms and conditions, the suspension would be revoked.

5.No exception can be made to the aforesaid demands made by the respondents. The order impugned in this writ petition is set aside by directing the petitioner to appear before the first respondent and give an undertaking as mentioned above. It is agreed by the petitioner that such an undertaking will be executed before the first respondent within seven days.



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6.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

26.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Revenue Officer and
Additional District Magistrate,
Virudhunagar District,
Virudhunagar.
- 2.The Special Tahsildar (Matches
and Fireworks - Investigation),
Sivakasi, Virudhunagar District.



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G.R.SWAMINATHAN, J.

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