



W.P.(MD)No.19429 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.19429 of 2024

S.Arumugam

...Petitioner

Vs.

1.The Deputy Inspector General of Police /
Commissioner of Police,
Thirunelveli City,
Thirunelveli.

2.The Inspector of Police,
Tirunelveli City Police Station,
Tirunelveli Town.
(Crime No.12 of 2023)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in Na.Ka.G6/4592/02/2024 dated 29.07.2024 and quash the same as illegal as the same has been passed without following the Principles of Natural Justice and consequently direct the first respondent renew the permanent crackers business license of the petitioner for the period 01.04.2024 to 31.03.2025, to the Shop at No.82, situated at No.



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22-H, Thondar Sannathi Bazar, Tirunelveli Town by considering the petitioner's application dated 26.02.2024.

For Petitioner : Mr.N.Marimuthu

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The Writ Petition is directed against the order dated 29.07.2024 passed by the first respondent and for direction to the first respondent to renew the permanent crackers business license of the writ petitioner for the period 01.04.2024 to 31.03.2025, to the Shop at No.82, situated at No. 22-H, Thondar Sannathi Bazar, Tirunelveli Town by considering his application dated 26.02.2024.

2. The respondents have filed a counter affidavit.

3. It is not in dispute that the first respondent has passed the impugned rejection order on two grounds. First reason assigned is that the proposed shop is situated at a distance of 20 meter from the road and in a compound where several other godowns and shops were situated and



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the next reason assigned is that the writ petitioner is having bad antecedents.

4. The learned counsel appearing for the writ petitioner would submit that the writ petitioner has been running the cracker shop in the same place from 2011 onwards. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would admit the same.

5. The next contention with regard to bad antecedents, no doubt, the writ petitioner was facing two cases in C.C.No.1444 of 2019 and C.C.No.711 of 2023 under the Explosive Act and both the cases were quashed by this Court in CrI.O.P.(MD)Nos.15277 of 2019 and 11263 of 2023 respectively.

6. No doubt, Fire Service Department has already given no objections for the said place.

7. When the writ petitioner was having the cracker shop from 2011 in the same place, this Court is at loss to understand as to how the said



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reason was assigned by the first respondent that the proposed place is not fit for the cracker shop.

8. Considering the quashment of the cases pending against the writ petitioner and also the fact that the writ petitioner was having the shop from 2011, the impugned rejection order cannot be sustained and as such, the same is liable to be quashed.

9. In the result, the Writ Petition stands allowed and the impugned order dated 29.07.2024 is hereby quashed. The first respondent is directed to issue renewal licence to the writ petitioner within a period of ten days from the date of receipt of a copy of this order. No costs.

02.09.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To
1.The Deputy Inspector General of Police /
Commissioner of Police,
Thirunelveli City,
Thirunelveli.



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- 2.The Inspector of Police,
Tirunelveli City Police Station,
Tirunelveli Town.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csm

Order made in
W.P.(MD)No.19429 of 2024

Dated : 02.09.2024