



W.P(MD)Nos.25428, 25429, 25593 & 25594 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)Nos.25428, 25429, 25593 & 25594 of 2024

and

W.M.P.(MD)No.21580, 21581, 21706, 21709 and 21710 of 2024

N.Veerachamy	... Petitioner in W.P.(MD)No.25428 of 2024
J.Kumar	... Petitioner in W.P.(MD)No.25429 of 2024
B.Jayakumar	... Petitioner in W.P.(MD)No.25593 of 2024
K.Karthik Raja	... Petitioner in W.P.(MD)No.25594 of 2024

Vs.

1.The Divisional Administrative Magistrate Cum
Sub Collector,
Palani, Palani District.

2.The Revenue Divisional Officer,
Palani, Palani District.

3.The Tahsildar,
Palani, Palani District.

... Respondents in all W.Ps.

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent vide his proceedings in Mu.Mu.No.1610/2024/A7, dated 01.10.2024, Mu.Mu.No.1676/2024/A7, dated 01.10.2024, Mu.Mu.No.



W.P(MD)Nos.25428, 25429, 25593 & 25594 of 2024

1288/2024/A7, dated 18.10.2024 and Mu.Mu.No.1405/2024/A7, dated 18.10.2024 respectively and quash the same as illegal and consequently, to direct the 1st respondent to renew the petitioners' license bearing Nos. 03/2003-2004, 02/2003-2004, 36/1989-1990 and 01/2015-2016 respectively to possess and sell the crackers in the petitioners' shop within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Althaf Sheriff
for M/s.Ajmal Associates
(in all W.Ps.)

For Respondents : Mr.A.Kannan,
Additional Government Pleader
(in W.P.(MD)Nos.25428 & 25429/2024)

For Respondents : Mr.D.Sadiq Raja,
Additional Government Pleader
(in W.P.(MD)Nos.25593 & 25594/2024)

COMMON ORDER

Since the issue involved in these Writ Petitions are one and the same, by consent of both sides, these Writ Petitions are taken up together and disposed of at the stage of admission itself.

2.It is the case of the petitioners that they are running fire workshops for nearly about 30 years in the same address. Their license has been renewed every year. In respect of this year, when the petitioners applied for renewal of



W.P(MD)Nos.25428, 25429, 25593 & 25594 of 2024

the license, despite the recommendations made by the 3rd respondent and Fire Safety Department, the 1st respondent has rejected the applications of the petitioners on the ground that more public movement will be there and there is no feasibility of making safety measures for the shop. Challenging the same, the petitioners have filed these Writ Petitions.

3.The learned counsel appearing for the petitioners would submit that as per Rule 116(5) of the Explosive Rules, 2008, before passing any refusal order on the renewal application, the license holder shall be given an opportunity of being heard. However, the 1st respondent has not given any such opportunity to the petitioners / license holders. Therefore, the impugned orders are liable to be quashed on the ground of violation of principles of natural justice.

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

5.On perusal of the impugned orders, it is seen that despite the recommendation made by the Fire Safety Department and the 3rd respondent after inspection, the impugned orders came to be passed as if there was no



W.P(MD)Nos.25428, 25429, 25593 & 25594 of 2024

feasibility of making safety measures. However, there is no material as to whether any inspection is carried out by the officer concerned or not. Further, as rightly pointed out by the learned counsel for the petitioners, as per Rule 116(5), before passing the impugned refusal orders, the 1st respondent has not given any opportunity of hearing to the petitioners. Therefore, on the ground of violation of principles of natural justice, the impugned orders are quashed and the matter is remitted back to the 1st respondent for passing fresh order, after giving opportunity to the petitioners. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order. Till such time, it is to be considered that the renewal applications filed by the petitioners are pending as per Rule 112.

6. With the above observations, these Writ Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

24.10.2024

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

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Note: Issue Order copy on 25.10.2024.



W.P(MD)Nos.25428, 25429, 25593 & 25594 of 2024

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To

- 1.The Divisional Administrative Magistrate Cum
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Palani, Palani District.
- 3.The Tahsildar,
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W.P(MD)Nos.25428, 25429, 25593 & 25594 of 2024

N.SATHISH KUMAR, J

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W.P(MD)Nos.25428, 25429, 25593
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