



W.P.(MD)No.25665 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.25665 of 2024

and

W.M.P.(MD).Nos.21773 & 21775 of 2024

R.Jegadeeswari

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Madurai.

2.The District Revenue Officer /
Additional District Executive Magistrate,
Office of the District Revenue Officer,
Collectorate,
Madurai.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai District.

4.The Tahsildar,
Taluk Office,
Vadipatti Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records, relating to the impugned order in Moo.Mu.No.C4/2242851/2024, dated 17.10.2024, passed by the second respondent and to quash the same and consequently direct the



W.P.(MD)No.25665 of 2024

second respondent to grant renewal license to the petitioner's crackers shop for the year 2024-2025 bearing License No.25/2015, shop situated at Door No.27/1, Thanichiyam Main Road, Alanganallur Village, Vadipatti Taluk, Madurai District, by considering the petitioner's renewal application, dated 05.07.2024, within the time fixed by this Honourable Court

For Petitioner : Mr.P.R.Prithiviraj

For R-1 to R-4 : Mr.D.Gandiraj,
Special Government Pleader

For R-5 : Mr.Vaikkam Karunanithi,
Government Advocate
(Criminal Side)

ORDER

This Writ Petition has been filed challenging the impugned order dated 17.10.2024, passed by the second respondent, rejecting the petitioner's application seeking for renewal of her fire cracker license.

2. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. Admittedly, no personal hearing was afforded to the petitioner prior to the passing of the impugned order. The petitioner is running the fire cracker shop since 2015 and she has been periodically renewing her license. Only under the impugned order, the first respondent has rejected her renewal application, wherein, she had sought for



W.P.(MD)No.25665 of 2024

renewal for a further period of two years. Since no opportunity of hearing was granted to the petitioner as seen from the impugned order, necessarily, the impugned order has to be quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting her one personal hearing.

3. The reason given for rejection of the petitioner's application seeking for renewal is that there is a barber shop adjoining the petitioner's shop and there are other shops as well in the very same building, which may cause danger. Unless and until, the petitioner has submitted her explanation and was granted an opportunity of hearing, justice cannot be rendered in the matter.

4. Since the first respondent has violated the principles of natural justice, the impugned order dated 17.10.2024, passed by the second respondent, is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner, including, permitting her to submit her explanation and also granting her one personal hearing. The first respondent is directed to pass final orders within a period of twelve weeks from the date of receipt of a



W.P.(MD)No.25665 of 2024

copy of this order. Since the petitioner has been running a fire cracker shop since 2015 without any break, she is allowed to continue to run the said fire cracker shop, till final orders are passed by the first respondent.

5. With the above direction and observation, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

28.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

Note : Issue order copy by 28.10.2024



W.P.(MD)No.25665 of 2024

To

- 1.The District Collector,
Collectorate, Madurai.
- 2.The District Revenue Officer /
Additional District Executive Magistrate,
Office of the District Revenue Officer,
Collectorate,
Madurai.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office, Madurai District.
- 4.The Tahsildar, Taluk Office,
Vadipatti Taluk, Madurai District.



WEB COPY



W.P.(MD)No.25665 of 2024

ABDUL QUDDHOSE, J.

TSG

W.P.(MD)No.25665 of 2024

28.10.2024