



W.P.(MD)No.25768 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.25768 of 2024

and

W.M.P.(MD)Nos.21835 & 21836 of 2024

M.Vjith Ali

: Petitioner

Vs.

1.The Sub Divisional Magistrate cum Sub Collector,
Palani,
Dindigul District.

2.The Thasildar,
Palani Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records of the first respondent in his proceedings in Muu.Mu.No. 1785/2024/A7 dated 18.10.2024 and quash the same and consequently directing the first respondent to issue the Cracker shop License to the petitioner's shop in License No.06/2007-2008 in



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S.F.No.36/31 in Door No.5, West Street, Periyakelayamputhur,
Kolumam Road, Neikarapatti Village, Palani Taluk, Dindigul District.

For Petitioner : Mr.S.Karthik
For Respondents 1 & 2 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 18.10.2024 passed by the first respondent rejecting the petitioner's application seeking for renewal of his cracker license on the ground that the petitioner's shop is situated in a residential locality.

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and on the ground that mechanically by total non-application of mind to the fact that the petitioner's license was earlier periodically renewed, the first respondent has passed the impugned order.

3.Admittedly, as seen from the impugned order, no opportunity of hearing was granted to the petitioner and the first respondent has also not taken note of the fact that the petitioner is



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running a cracker shop from 2007 onwards and license was earlier periodically renewed. Only for the first time under the impugned order, his renewal application has been rejected. In view of the fact that no opportunity of hearing was granted to the petitioner, prior to the passing of the impugned order and the first respondent has also not taken note of the fact that the petitioner has been running the cracker shop from 2007 onwards and he has also periodically renewed his license earlier, the impugned order has to be necessarily 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 opportunity of hearing to the petitioner. Since the petitioner has been running the cracker shop ever since 2007 and he has been renewing his license periodically earlier, he must be allowed to carry on his business till final orders are passed by the first respondent pursuant to the order of remand to be passed by this Court today.

4.In the result, the impugned order dated 18.10.2024 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration, after issuing a show cause notice to the petitioner by providing the petitioner with an opportunity to submit his explanation and on



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receipt of the said explanation, within a time stipulated in the show cause notice from the petitioner, the first respondent shall after providing one personal hearing to the petitioner pass final orders after considering the explanation submitted by the petitioner on merits and in accordance with law. Till final orders are passed, the petitioner is permitted to carry on his business based on the earlier fire cracker license granted to him by the first respondent.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.10.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

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Dindigul District.

2.The Thasildar,
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ABDUL QUDDHOSE, J.

MR

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