



W.P.(MD)No.25803 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.25803 of 2024

and

W.M.P.(MD)Nos.21891 & 21894 of 2024

B.Selvaraj

: Petitioner

Vs.

1.The District Revenue Officer,
Office of the District Revenue Officer,
Collectorate Complex,
Madurai District.

2.The Tahsildar,
Office of the Taluk Office,
Melur Taluk,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the first respondent in Muu.Mu.No.C4/1778625/2024 dated 04.10.2024 and quash the same as illegal and unconstitutional and consequently to



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directing the respondents herein to renew the petitioner Cracker Shop licence No.LE5-02/1992 in respect of the petitioner's cracker shop which is situated at No.666, Madurai – Trichy Main Road, Nondikovil Street, Melur Town, Madurai District on the basis of recommendation given by the second respondent / Tahsildar dated 21.08.2024 in Na.Ka.No.1402/2024/A2 for the period from 01.04.2024 till 31.03.2026.

For Petitioner : Mr.S.Ramakrishnan
for Mr.M.Baskaran

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 04.10.2024 passed by the first respondent, rejecting the petitioner's application seeking for renewal of his fire cracker license, on the ground that there is a ready-made shop near the petitioner's fire cracker shop.

2.The petitioner has challenged the impugned order on the following grounds:



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a) No personal hearing was afforded to the petitioner before passing the impugned order.

b) The petitioner has been carrying on his business of running a fire cracker shop from the year 1992 onwards.

c) The petitioner contends that there is no ready-made shop as claimed by the respondents near the petitioner's fire cracker shop.

3.Today, the petitioner has also filed an affidavit of undertaking dated 28.10.2024 and as seen from the affidavit of undertaking, the petitioner categorically contends that the earlier ready-made shop located in the first floor of the petitioner's cracker shop has now been shifted to a new place and the first floor where the ready-made shop was earlier located is now kept vacant.

4.Learned Additional Government Pleader appearing for the respondents on instructions would also submit that as on date, there is no ready-made shop in the first floor of the petitioner's shop.

5.For the foregoing reasons and in view of the fact that there is no ready-made shop in the first floor of the petitioner's shop, necessarily, the impugned order dated 04.10.2024 has to be quashed



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and the matter has to be remanded back to the very same respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court. Since the petitioner is carrying on his business of running a fire crackers shop from 1992 onwards, he must be allowed to run the said shop till final orders are passed by the respondent pursuant to the directions given by this Court today.

6.Accordingly, the impugned order dated 04.10.2024 issued by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law, with regard to the petitioner's application seeking for renewal of his fire cracker license, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of twelve [12] weeks from the date of receipt of a copy of this order. Till final orders are passed, the petitioner is allowed to run the fire cracker shop as per the earlier license issued by the respondents prior to the passing of the impugned order.



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

28.10.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

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ABDUL QUDDHOSE, J.

MR

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