



W.P.(MD).No.25920 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25920 of 2024
and W.M.P(MD).Nos.21985 and 21988 of 2024

V.Ganapathy

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Madurai.

2.The District Revenue Officer/
Additional District Executive Magistrate,
O/o.The District Revenue Officer,
Collectorate, Madurai.

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

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

5.The Superintendent of Police,
Madurai, Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records relating to the impugned order in Moo.Mu.No.C4/1903462/2024 dated 17.10.2024 passed by the second respondent and to quash the same and consequently direct the second respondent to grant renewal license to the petitioner's cracker shop for the year 2024-2025 bearing License No.11/2014, shop situated at Door No.10/302, Karungalakudi Village, Melur Taluk, Madurai District by considering the petitioner's renewal application dated 19.03.2024 within the time fixed by this Court.

For Petitioner : Mr.P.R.Prithiviraj
For Respondents : Mr.D.Gandhiraj (for R1 to R4)
Special Government Pleader
Mr.M.Vaikkam Karunanithi (for R5)
Government Advocate (crl.side)

ORDER

Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the respondents 1 to 4 and Mr.M.Vaikkam Karunanithi, learned Government Advocate (Crl.Side), takes notice for the fifth respondent.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.Challenge has been made to the cancellation of the license granted to the petitioner under the Explosives Act and Rules.



4.The petitioner is running a cracker shop in Melur Village. The license was obtained in the year 2015 in Licence No.11/2014. Subsequently, it was periodically renewed till 31.03.2024. When the petitioner had applied for further renewal of the license, the second respondent issued a show cause notice for the alleged lapses, such as, a vacant portion in the first floor of the petitioner's shop, toilet available and a jewellery shop is also situated in the second floor. The petitioner submitted his explanation for the said lapses. However, without considering the same, the second respondent had cancelled the license of the petitioner.

5.The learned counsel for the petitioner submitted that no opportunity of hearing was given to the petitioner before cancelling the license granted to the petitioner. That apart, in the cancellation order, no reasons whatsoever have been assigned for such cancellation.

6.The learned Special Government Pleader for the respondents 1 to 4, on instructions, would submit that there was a violation in the premises of the petitioner. Hence, the license granted to the petitioner was cancelled.



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7. When this Court posed a specific question as to what are the reasons for cancelling the license granted to the petitioner and whether such reasons are reflected in the order impugned in this writ petition, the learned Additional Government Pleader fairly submitted that no reasons have been assigned in the impugned order and the matter may be remanded back to the second respondent for fresh consideration.

8. It is not disputed that the license was granted to the petitioner in the year 2015. When the petitioner applied for renewal, the show cause notice was issued and the same has been properly replied by the petitioner. Thereafter, the impugned order has been passed considering the report of the District Revenue Officer. However, in the entire order, no reasons have been assigned as to what is the nature of violation.

9. This is infact, contrary to the Rule 118 of the Explosives Rules. Proviso to Rule 118 (1) of the Explosives Rules makes it clear that before suspending or cancelling a licence under this rule, the holder of the licence shall be given an opportunity of being heard. Similarly, Rule 118 (6) of the Explosives Rules mandates that a licensing authority for



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suspending or cancelling a licence shall record the reasons in writing.

In the absence of recording such reasons, the order suspending or cancelling the license cannot be sustained in the eye of law.

10. In view of the above, the order impugned in this writ petition, dated 17.10.2024 stands quashed and the matter is remitted back to the second respondent for fresh consideration. The second respondent shall pass orders afresh on the application submitted by the petitioner seeking renewal of license on its own merits and after affording an opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of one month from the date of receipt of a copy of this order. It is made clear that till the orders are passed by the second respondent, the petitioner shall not be prohibited from continuing his business as per Rule 112(5) of the Explosives Rules.

11. With the above observations, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

29.10.2024

Index : Yes / No

NCC : Yes / No

Rmk



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N.SATHISH KUMAR, J.

Rmk

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