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W.P.(MD) No.25927 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.25927 of 2024

and

W.M.P.(MD) No.21995 of 2024

Eswari

... Petitioner

-vs-

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

2.The Revenue Divisional Officer
Palani
Dindigul District

3.The Thasildar
Palani
Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by first respondent vide his proceeding in Mu.Mu.No.



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2007/2024/A7 dated 23.10.2024 and quash the same as illegal and consequently direct the first respondent to renew the petitioner's license bearing No.13/2021-22 to possess and sell the crackers in her shop within the period stipulated by this Court.

For Petitioner : Mr.K.Althaf Sheriff
for M/s.Ajmal Associates

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order, dated 23.10.2024, passed by the first respondent, refusing to renew the petitioner's fire crackers licence.

2. The petitioner has primarily challenged the impugned order, on the ground of violation of the principles of natural justice and on the ground that it is a non-speaking order.

3. As seen from the impugned order, no opportunity of hearing was granted to the petitioner and the petitioner was not granted an



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opportunity to submit her explanation with regard to the allegations made by the first respondent under the impugned order.

4. In view of the same, necessarily, the impugned order has to be quashed and the matter has to be remanded back to the first respondent for fresh consideration in accordance with law, after affording a fair hearing to the petitioner, including granting her the right to submit her explanation with regard to the charges levelled against her in respect of her fire crackers shop.

5. For the foregoing reasons, the impugned order, dated 23.10.2024, passed by the first respondent, is hereby quashed and the matter is remanded back to the first respondent for fresh consideration by affording a fair hearing to the petitioner, including permitting her to file her explanation with regard to the charges levelled against her in respect of her fire crackers shop. The first respondent is directed to pass final orders within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the petitioner is permitted to run her fire crackers shop without causing any danger to the neighbourhood.



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6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2024

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

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To:

- 1.The Divisional Administrative Magistrate-cum-Sub Collector,
Palani, Dindigul District.
- 2.The Revenue Divisional Officer,
Palani,
Dindigul District.
- 3.The Thasildar,
Palani,
Dindigul District.



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ABDUL QUDDHOSE, J.

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