



W.P.(MD)No.25998 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.25998 of 2024

and

W.M.P.(MD).Nos.22048 & 22049 of 2024

Baskaran

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Revenue Officer /
Additional District Executive Magistrate,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
O.o. The Revenue Division Office,
Palani,
Dindigul District.

4.The Tahsildar,
Taluk Office,
Palani Taluk,
Dindigul District.

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

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceedings in Moo.Mu.No.1604/2043/a7, dated 18.10.2024 and quash the same as without jurisdiction and consequently direct the second respondent to renew the license No.1 of 2014-15(PLN) Periodically renewed till 31.03.2024 and to allow the petitioner to continue the crackers shop at No.31-A, Kadai Veethi, East Ayakudi, Palani Taluk, Dindigul District, based on the petitioner's application with challan dated 19.02.2024.

For Petitioner : Mr.Ananth C.Rajesh
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 order dated 18.10.2024, passed by the third respondent, rejecting the petitioner's request for renewal of his fire cracker licence on the ground that there is a flour mill adjoining the petitioner's shop and the petitioner's shop is also located in a residential area.

2. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. Admittedly, no opportunity of hearing was granted to the petitioner prior to the passing of the impugned order. The



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petitioner also claims that he has been running the fire cracker shop for the past thirty years without any interruption. The petitioner also claims that he has also been renewing the fire cracker license periodically and only for the first time, his renewal application has been rejected under the impugned order. Since no opportunity of hearing was granted to the petitioner, that too when the petitioner has been running the fire cracker shop for the past thirty years, necessarily, the impugned order passed by the third respondent without hearing the petitioner would amount to violation of principles of natural justice.

3. Accordingly, the impugned order dated 18.10.2024, passed by the third respondent, is hereby quashed and the matter is remanded back to the third respondent for fresh consideration and the third respondent is directed to pass orders on merits and in accordance with law after affording a fair hearing to the petitioner including, permitting him to submit his explanation and also granting him one personal hearing. The third respondent is directed to give due consideration to the explanation submitted by the petitioner if any and he is directed to pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.



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4. With the aforesaid direction, the Writ Petition is disposed of. Till final orders are passed by the third respondent, the petitioner is allowed to run the fire cracker shop. However, it is made clear that in case any danger is caused to the neighbourhood, the third respondent is permitted to take action against the petitioner in accordance with law. 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

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer /
Additional District Executive Magistrate,
Dindigul District,
Dindigul.
- 3.The Revenue Divisional Officer,
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Palani,
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- 4.The Tahsildar,
Taluk Office,
Palani Taluk,
Dindigul District.



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

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ABDUL QUDDHOSE, J.

TSG

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