



W.P.(MD).No.26143 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.26143 of 2024
and
W.M.P(MD).No.22152 of 2024

C.Kumarasamy

... Petitioner

Vs.

1.The District Revenue Offier Cum
The Additional Executive Magistrate,
Tirunelveli.

2.The Revenue Divisional Officer cum
Sub Collector,
Cheranmahadevi, Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to renew the license issued for selling crackers under Form LE-5 in License No.09/2022-2023 by the order of the first respondent dated 26.10.2023 based upon the challan and the petitioner's application dated 16.02.2024.

For Petitioner : Mr.K.K.Udayakumar
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

Mr.d.Sadiq Raja, learned Additional Government Pleader, takes notice for the respondents.

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

3. The petitioner has filed this writ petition seeking for a direction to the authorities to consider his application for renewal of license. Originally, the petitioner was granted license for selling crackers in D.No.108/3, situates in the Southern portion of S.No.369/1A at Samugarangapuram Village, Tiruchendur Main Road, Radhapuram Taluk, Tirunelveli District, under Form LE-5 in License No. 09/2022-2023 by the first respondent vide order dated 26.10.2023. the said license was valid till 31.03.2024. Subsequently, on 16.02.2024, the petitioner applied for renewal of license to the second respondent. Now, the said application is kept pending on the ground that the sale deed in favour of the petitioner was cancelled by the District Registrar invoking Section 77A of the Registration Act. It is the contention of the petitioner that challenging the said cancellation order, he has filed W.P(MD).No.



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12204 of 2024 and this Court, by order dated 11.06.2024, granted interim stay.

4. In view of the above, as the order cancelled the sale deed in favour of the petitioner has been stayed by this Court in W.P(MD).No. 12204 of 2024, there is no impediment for the authority to consider the application of the petitioner. In such view of the matter, the respondents are directed to consider the application of the petitioner dated 16.02.2024 and pass appropriate order, after giving opportunity of hearing to the petitioner, on merits and in accordance with law within a week 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.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

29.10.2024

Index : Yes / No

NCC : Yes / No

Rmk



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N.SATHISH KUMAR, J.

Rmk

To

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The Additional Executive Magistrate,
Tirunelveli.
- 2.The Revenue Divisional Officer cum
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