BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.26201 of 2024
and
W.M.P.(MD)No.22201 of 2024

P.Nelson ... Petitioner

Vs.

1.The Principal Secretary to Government,
Revenue Administration Commission,
National Disaster and Mitigation Department,
Chepauk, Chennai - 600 005.

2.The District Collector,
Kanniyakumari District,
Nagercoil.

3.The District Revenue Officer
/ Additional District Magistrate,
Kanniyakumari District,
Nagercoil

4.The Sub Collector,
Padmanabapuram,
Kanniyakumari District.

5.The Tahsildar,
Thiruvattar Taluk,
Thiruvattar,
Kanniyakumari District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order passed by the 3rd respondent in Moo.Mu/C1/E-782572/2023 dated 07.11.2023 and quash the same as illegal and consequently directing the respondents to consider the petitioner's representation dated 01.10.2024 for renewal of license / grant of temporary license and pass appropriate orders within a time frame fixed by this Court.

For Petitioner : Mr.P.Saravanakumar
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the third respondent rejecting the application for license cracker's shop and to direct the respondents to consider the representation of the petitioner dated 01.10.2024 for grant of temporary license/renewal of license.

2.Mr.D.Sadiq Raja, learned Additional Government Pleader, takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal.

3.The case of the petitioner is that the petitioner has submitted an application before the authorities concerned seeking license for the crackers shop. However, the said application has been rejected citing two violation in the shop. The first ground taken by the third respondent is that the shop is situated near the residential area and the second ground is that there were no fire extinguishers and the electric meter is inside the shop. Challenging the same, the petitioner has filed this writ petition.

4.The learned counsel for the petitioner submitted that the defects pointed out by the authorities concerned under the order impugned in this writ petition, had already been set right and sufficient number of fire extinguishers have been kept inside the shop and the electric meter kept inside the shop had also been removed.

5.The learned Additional Government Pleader for the respondents submits that if the defects have been rectified by the petitioner, there will be no impediment for the respondents to give license to the petitioner.

6.Considering the above submission, this writ petition is allowed and the order impugned in this writ petition dated 07.11.2023 is set aside by remanding the matter back to the authorities concerned for fresh consideration. The respondents are directed to consider the application of the petitioner afresh and if the defects pointed out by the respondents have been cleared, the respondents shall pass necessary orders for issuing license to the petitioner forthwith. No costs. Consequently, connected miscellaneous petition is closed.

30.10.2024

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

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Thiruvattar,
Kanniyakumari District.

N.SATHISH KUMAR, J.

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W.P(MD)No.26201 of 2024

30.10.2024