



W.P.(MD)No.26297 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.26297 of 2024

Maharajan

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Usilamaptti Taluk,
Madurai District.

3.The Tahsildar,
Usilampatti Taluk,
Madurai District.

4.The Revenue Inspector,
Karumathur,
Usilampatti Taluk,
Madurai District.

5.The Deputy Director,
Fire and Rescue Services,
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 call for the orders passed by the first respondent in Proc.No.TN-6620240902124/24 dated 24.10.2024 and quash the same as illegal and further direct the first respondent



W.P(MD)No.26297 of 2024

to issue the temporary cracker license to the petitioner for his premises bearing Door No.2/147, Mariyamman Kovil Street, Vikkiramangalam, Usilampatti Taluk, Madurai District based on his application dated 19.10.2024.

For Petitioner : Mr.R.Mathava Selvam
For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order dated 24.10.2024 passed by the first respondent and to direct the first respondent to issue temporary cracker license to the petitioner for his premises bearing Door No.2/147, Mariyamman Kovil Street, Vikkiramangalam, Usilampatti Taluk, Madurai District based on his application dated 19.10.2024.

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

3.It is the grievance of the petitioner that when the petitioner has applied seeking temporary license for running a cracker shop, the same was rejected based on the reports of the Revenue Divisional Officer, District Fire



W.P(MD)No.26297 of 2024

Officer and Superintendent of Police. However, the nature of the report has not been disclosed in the order impugned in this writ petition.

4.The learned counsel for the petitioner brought to the notice of this Court the order of the District Fire Officer dated 21.10.2024, wherein a clear recommendation for issuance of license and no objection have been given to the petitioner. Further, he submits that the Revenue Divisional Officer has also given a report as that of the District Fire Officer. However, the petitioner has not enclosed the report of the Revenue Divisional Officer in the typed set of papers.

5.Be that as it may, the report issued by the District Fire Officer clearly shows that 'No Objection' has been issued to the petitioner. Despite the same, the impugned proceedings has been issued as if there was an objection by the District Fire Officer. Hence, the order passed by the first respondent is nothing but a clear non-application of mind.

6.Accordingly, the order passed by the first respondent stands quashed and the matter is remanded back to the authorities concerned for fresh consideration. The authorities concerned are directed to consider the



W.P(MD)No.26297 of 2024

application of the petitioner afresh and pass appropriate orders taking note of

'No Objection' issued by the District Fire Officer and the Revenue Divisional Officer in this regard. Such an exercise shall be completed within a period of one week from the date of receipt of a copy of this order.

7.This writ petition is allowed on the above terms. No costs.

30.10.2024

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

- 1.The District Revenue Officer,
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Usilampatti Taluk, Madurai District.
- 3.The Tahsildar,
Usilampatti Taluk,
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W.P(MD)No.26297 of 2024

N.SATHISH KUMAR, J.

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W.P(MD)No.26297 of 2024

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