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W.P.(MD)NO.28495 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28495 of 2023 AND

W.M.P.(MD)No.24544 & 24546 of 2023

Durga Devi

... Petitioner

Vs.

The District Revenue Officer /
Additional District Magistrate,
Tirunelveli District,
Tirunelveli.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of cancellation of explosive license of petitioner bearing license No.08/2015 in (Form XI) under Arms Act made by respondent in the proceedings in Pa.Mu.E4/3572 / 2022 dated 07.11.2023 and quash the same as arbitrary and consequentially directing the respondent to renew petitioner's license.

For Petitioner : Mr.A.Arumugam,
for Mr.S.R.Anbarasu.

For Respondent : Mr.T.Villavan Kothai,
Additional Government Pleader.

* * *



police station against the petitioner's husband Balan. In any event, this FIR did not come in the way of granting renewal in favour of the petitioner during the earlier years. Therefore, pendency of the said FIR registered against the petitioner's husband cannot be cited as a reason. As regards Crime No.588 of 2020, it is seen that the only allegation made against the petitioner is that she was found in possession of 52.5 Kg. of Sulfur over and above the permitted limit. Till date charge sheet has not been filed in this case.

7. My attention is drawn to the order dated **30.09.2020** made in ***W.P.(MD)No.11275 of 2020 (Kathiravan V. The District Collector / District Magistrate, Kanyakumari District, Nagercoil)***. In this case, I had followed the order dated **25.08.2015 in *W.P.(MD)No.16994 of 2014 (M.Mari V. The District Collector)***. A learned Judge of this Court had held that the license granted under the Rule shall stand cancelled only if the licensee is convicted and sentenced for any criminal offence or if he has been ordered to execute under Chapter VIII of the Code of Criminal Procedure, 1973(2 of 1974), a bond for keeping peace for good behaviour. But in this case, the petitioner has not suffered any such disqualification. The sins committed by the petitioner's husband cannot fall on the petitioner. Balan was convicted and sentenced to pay a sum of



Rs.5,000/- as fine in S.T.C.No.357 of 2014 on the file of the Judicial Magistrate, Nanguneri. The petitioner cannot suffer any disqualification as a result of her husband's conviction. For the aforesaid reasons, the impugned order is unsustainable and stands set aside. The respondents are directed to renew the petitioner's license subject to the other usual formalities. The renewal shall be done by the respondent within a period of six weeks from the date of receipt of a copy of this order. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

05.03.2024

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

To:

The District Revenue Officer /
Additional District Magistrate,
Tirunelveli District,
Tirunelveli.



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G.R.SWAMINATHAN,J.

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