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W.P.(MD)NO.28496 OF 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 05.03.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.28496 of 2023 AND**  
**W.M.P.(MD)No.24549 & 24550 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.01/2009/2010 made by respondent in the proceedings in Pa.Mu.E4/3566 / 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.

\* \* \*

**ORDER**

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Heard both sides.

2. The petitioner is engaged in explosives manufacturing business since 2009. The petitioner was granted license and it was renewed from time to time. It expired on 31.12.2022. The petitioner applied for renewal. The petitioner's application was rejected by the respondent vide order dated 07.11.2023. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The learned Additional Government Pleader submits that the impugned order contains solid reasons and that therefore it deserves to be sustained. He pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. In the impugned order, there is reference to some criminal cases. Crime No.236 of 2011 was registered on the file of Kalakkad



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.**

PMU

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