



W.P.No.542 of 2025

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 23.04.2025

CORAM :

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.542 of 2025  
and W.M.P.No.644 of 2025

C.Mohankumar

.. Petitioner

**Versus**

1. The Additional Chief Secretary cum  
Revenue Administration Commissioner,  
Chepauk,  
Chennai - 600 005.

2. The District Revenue Officer,  
Salem,  
Salem District.

3. The Revenue Divisional Officer,  
Mettur,  
Salem District.

4. The District Officer,  
Fire Service Department,  
Salem District.

.. Respondents



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**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing Na.Ka.No.VaNi 5(2)/31752/2024, dated 12.12.2024 passed by the 1st respondent and quash the same and subsequently directing the 2nd respondent to grant license to run permanent crackers shop in S.F.No.707/1C3A of Gonur East Village, Mettur, Salem district admeasuring to an extent of 160 Square feet.

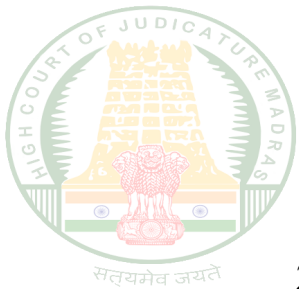
For Petitioner : Mr.Ali Hasan Khan

For Respondents : Dr.S.Suriya,  
Additional Government Pleader,  
for RR-1 to 4

: M/s.L.Sweety, Advocate Commissioner

### **ORDER**

This Writ Petition is filed challenging the impugned order, dated 12.12.2024, in and by which, the petitioner's prayer to grant license under the Explosives Act, 1884, for maintaining the stock and selling the crackers by way of permanent license, was rejected by the respondents.



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2. On a perusal of the impugned order, the license was rejected on three grounds. The first ground, on which, the license was rejected is that the plot, in which the petitioner is situate, is interior to yet another plot and there is no direct pathway in superstructure that is shown by the petitioner. The same is answered by the petitioner by producing a lease deed from the adjacent plot which is abutting the road. Therefore, that ground no more exists.

3. The second ground, on which, the license was denied is that the same is surrounded by the unapproved plots. On a perusal of the photograph, it can be seen that though a lay out has now been formed, as on date, the petitioner's is only the superstructure and there is no other superstructure within the mandatory area that is prescribed under the Rules. The third ground, on which the license is denied, is that there is only a 10 feet pathway that is given as the lay out road and therefore, even in case of any fire accident, for the fire engines to freely come and attend to it, will not



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4. The learned Counsel for the petitioner, though initially submitted that the 20 feet width is not mandatory in any of the Rules, still, considering the logic that is contained in the reasoning that the petitioner is establishing a permanent crackers shop where he is going to stock the crackers, in case of an accident, if the place of location is in such a manner that even a fire engine cannot come through, then, the very existence of the other regulations would become illogical. When that was pointed out, the learned Counsel for the petitioner would place reliance on certain sale deeds, whereunder, the road was actually mentioned as 20 feet road.

5. In view of the dispute that was raised and the stand of the dispute that was raised and the stand of the respondents being unclear, this Court appointed an learned Advocate Commissioner. The learned Advocate Commissioner visited the site and with the help of surveyors, have now filed



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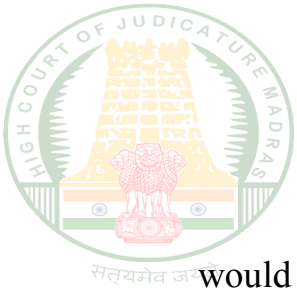
a report and as per the report, the width of the road is 20 feet and not 10 feet as contained in the impugned order. In view thereof, the third reasoning that is mentioned in the impugned order, cannot be sustained. As a matter of fact, both sides accept the Commissioner's report. This Court appreciates *Ms.L.Sweety*, the learned Advocate Commissioner for the prompt inspection and the report filed with clarity.

6. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) The impugned order, dated 12.12.2024 shall stand quashed. The respondents shall consider and grant the license to the petitioner;

(ii) The said exercise shall be carried out within a period of eight weeks from the date of receipt of a web-copy of this order without waiting for a certified copy of this order;

(iii) The petitioner shall abide by all other conditions that may be imposed on license and the mandatory criteria that is contained in law. It



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would be open for the respondent authorities to inspect the petitioner's shop at any time and if any violation is found, action can be taken in accordance with law;

(iv) Even at the time of renewal of license, the documents/particulars, if any, sought for from the petitioner, the same shall be furnished and the authorities will be entitled to once again consider the same and also inspect the premises and ensure that all the parameters are maintained in accordance with law;

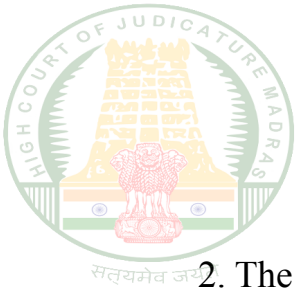
(v) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23.04.2025

Neutral Citation : no  
grs

To

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Chennai - 600 005.



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**D.BHARATHA CHAKRAVARTHY, J.**

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