



W.P.No.11154 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:26.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.11154 of 2025

and

W.M.P.Nos.12587 & 12588 of 2025

Ratheesh Babu,P.
Son of Karunan,P,
Aged 59 years,
Kunnath House,
Kaviyoor P.O., Chokli,
Kannur District, Kerala 670 672.

.. Petitioner

/versus/

1.The Union Territory of Pondicherry,
Represented by its Chief Secretary,
Goubert Avenue, Pondicherry 605 001.

2.The District Collector cum
District Magistrate,
Pondicherry 605 009.

3.The Sub Divisional Magistrate,
Civil Station, Mahe 673 310.

.. Respondents



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Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the Memorandum dated 13 December, 2023 issued by the second respondent bearing No.0501/DM/RO/D1/Vishu-2024/2023/7062 and quash the Clause 6(iv) of the said memorandum in as much as it prohibits non-residents from applying for grant of cracker shop licenses in Mahe and direct the second respondent to issue explosive license to the petitioner to possess and sell fireworks not exceeding 100 kgs in Form 1e5 during the Vishu festival in April, 2025 pursuant to the application dated 15.01.2025.

For Petitioner :Ms.Gopika Nambiar

For Respondents :Mr.R.Sreethar,
AGP (Pondy) for R1 to R3

ORDER

The writ petition is filed challenging the Memorandum dated 13.12.2023. The said Memorandum issued certain guidelines with reference the licenses that are issued under the Explosive Act, 1884 and the Explosive Rules, 2008 both temporary and permanent with respect to the setting up of cracker shops etc.



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2. The grievance of the petitioner is that the petitioner is a resident of Kaviyoor Post, Chokli, Kannur District, Kerala. However, the said guidelines restricts that the licensee should be a resident of Mahe alone. Such a restriction would directly violate Article 19 of the Constitution of India. In any event, the District Magistrate is not empowered to impose such a condition. The petitioner has also applied for temporary licence to set up a cracker shop for the ensuing Vishu festival this year. Therefore, the petitioner apprehends that his application will be rejected by the respondents on account of such a clause in the impugned memorandum and hence, he is before this Court.

3. When the matter came up for hearing, Mr.R.Sreedhar, learned Additional Government Pleader(Pondy) taking notice on behalf of respondents 1 to 3 would submit that on perusal of the impugned memorandum dated 13.12.2023, it would be very clear that it was issued only for the year 2024. This year no such guideline has been issued. The applications will be considered in accordance with the Rules.



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4.In view of the statement that is made, it is not necessary to go into the validity of the memorandum, that is impugned in the writ petition. However, it is made clear that the petitioner's application for this year will be considered on its own merits *dehors* the fact that the petitioner is not a resident of Mahe. Since the temporary license is being sought for the Vishu festival, that falls on 14.04.2025, but that is celebrated from 01.04.2025, the Authority shall consider it as expeditiously as possible, in any event to facilitate the business of the petitioner from 01.04.2025 to 14.04.2025. If the petitioner's application satisfies the other conditions, the petitioner shall be granted a temporary licence. The Authority shall act on production of the web copy of the order without waiting for the certified copy of the order. Consequently, connected Miscellaneous Petitions are closed. No costs.

26.03.2025

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Neutral citation:no



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To

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D.BHARATHA CHAKRAVARTHY, J.

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