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W.P.No.14180 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14180 of 2024
and W.M.P.No.15368 of 2024

Sri Rajaganapathy Explosives
Rep.by its Proprietor J.Sivakumar

.. **Petitioner**

Vs.

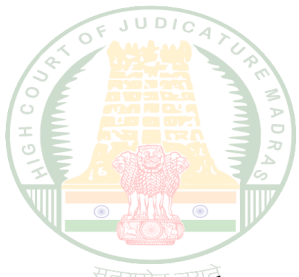
1.The Joint Chief Controller of Explosives
Ministry of Commerce & Industry
Petroleum and Explosives Safety Organisation
South Circle
A&D Wing, Block 1-8
II Floor, Shastri Bhavan
No.26, Haddous Road
Nungambakkam, Chennai – 600 006.

2.The Deputy Controller of Explosives
Ministry of Commerce & Industry
Petroleum and Explosives Safety Organization
No.3, Vth East Cross Road
Gandhi Nagar, Vellore – 632 006.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, calling for the records pertaining to the impugned

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order passed by the 1st respondent in No.E/HQ/TN/22/520(E60589) dated 29.04.2024 and quash the same and pass such further order.

For the Petitioner : Mr.M.Elango

For the Respondents : Mr.K.Gangadharan
CGSC

ORDER

This Writ Petition is filed challenging the impugned order dated 29.04.2024, by which the licence granted to the petitioner, for storing and supply of the explosives was cancelled.

2. The grievance of the petitioner is that he was granted with the said licence in No.E/HQ/TN/22/520(E60589). While so, a FIR came to be registered on 30.11.2023. Pursuant thereof, on 22.02.2024, a show cause notice was issued to the petitioner. The petitioner had submitted his reply on 01.03.2024. Thereafter, the present order is passed cancelling the licence of the petitioner.

3. The learned counsel for the petitioner would submit that firstly, no

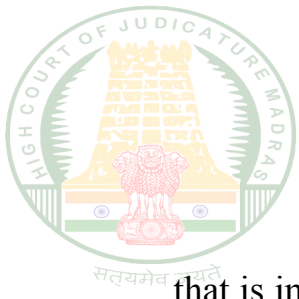


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personal hearing was granted to the petitioner before passing the impugned order. Secondly, the impugned order cannot be passed merely for the registration of a FIR. As per the rule, if the petitioner is convicted, the licence is liable to be cancelled. In any event, the impugned order does not contain any reason whatsoever, for cancelling the licence of the petitioner.

4. Per contra, the learned counsel appearing on behalf of the respondents relying upon the counter affidavit would submit that the entire action was taken pursuant to the report of the Collector dated 26.12.2023. It is seen that the petitioner's son was unauthorisedly supplying explosives, resulting in illegalities. They were caught red handed while the vehicle was transporting the explosives unauthorisedly and a case in Crime No.976 of 2023 under Section 286 IPC read with Section 5 of the Explosive Substances Act, 1908 was also registered. Pursuant thereof, a show cause notice has been duly sent and only after considering the objections of the petitioner, the impugned order was passed. The learned counsel would submit that as per rule 118 of the Explosives Rules, 2008, the licence can be cancelled, even for violation of any conditions



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that is imposed under the licence. When in violation of the conditions of licence, the petitioner has allowed his son to indulge in illegal transport etc., then the licence is liable to be cancelled. The only requirement is that they have to be given an opportunity of being heard, which was already been given, therefore, the impugned order need not be interfered by this Court.

5. As far as the grounds are concerned, as rightly stated by the learned counsel for the respondents, under Rule 118 (1) (III) of the Explosives Rules, even for violation of licence conditions, the licence can be cancelled. The only requirement is to give an opportunity of hearing. The petitioner was also issued a show cause notice and he also made an objection. The impugned order reads as follows:

“In exercise of the powers conferred under Section 6E (3) of the Explosives Act, 1884 read with Rule 118 (1) (III) of the Explosives Rules, 2008, License No.E/HQ/TN/22/520(E60589) granted in Form LE-3 under Explosives Rules, 2008 to M/s Sri Rajaganapathy Explosives, Prop. Shri J.Sivakumar (Occupier:Shri J.Sivakumar), 4/137A, Gollahalli Pudur, Dharmapuri – 636 701 (Tamil Nadu), Distt. Dharmapuri, State. Tamil Nadu, Pincode-636701 for Possession for use of Explosives from their Explosives magazine situated at Survey No.S.No.626/1, Village Anna Sagaram, Taluka Dharmapuri, Dharmapuri, Tamil Nadu is hereby cancelled with immediate effect.”



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6. It can be seen that it does not contain any reason whatsoever with reference to considering the objections that are raised by the petitioner and also for violation of what conditions the licence is being revoked. Therefore, it is a non-speaking order and only on that score, this Court is inclined to interfere with the order.

7. This Writ Petition is disposed of on the following terms:-

- (i) The impugned order dated 29.04.2024 shall stand quashed;
- (ii) It would be open for the respondent-authorities to pass a fresh order by considering the objections and providing detailed reasons thereof;
- (iii) No costs. Consequently, the connected miscellaneous petition is closed.

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To

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