



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Eighth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD) No.1698 of 2021

IN

WP(MD) No.1996 of 2021

S.KANDASAMY

... PETITIONER/PETITIONER

Vs

THE COMMISSIONER OF POLICE,
MADURAI CITY, MADURAI

... RESPONDENT/RESPONDENT

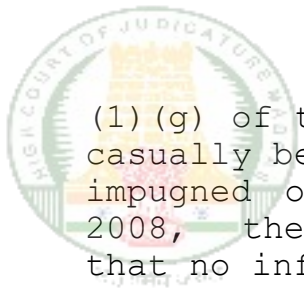
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the operation of the order passed by the respondent in C.No.49390/V2/194/2020 dated 07.12.2020 thereby permitting me to run the shop in the existing premises pending disposal of the above Writ Petition.

Prayer in WP(MD).1996 of 2021 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari to call for records relating to the order passed by the respondent in his proceedings C.No.49390/V2/194/2020 dated 07.12.2020 and quash the same.

ORDER :This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.GOVINDARAJAN for Mr.S.VENKATESH, Advocate for the petitioner and of Mr.S.ANGAPPAN, Government Advocate on behalf of the Respondent, while admitting the Writ Petition, the Court made the following order:-

The learned counsel appearing for the petitioner states that certificate enjoyed by the petitioner since 1983 has now been cancelled. The learned counsel would fairly admit that he was given a show cause notice before passing impugned order. But then, Rule 115(c) of Explosive Rules, 2008, contemplates giving reasonable opportunity of being heard. In the case on hand, no personal hearing was given. That apart, his pointed contention is that the case on hand involves fundamental right guaranteed under Article 19



(1)(g) of the Constitution of India. Such a fundamental right cannot casually be interfered with. He would further argue that though the impugned order is predicated on Rule 115(c) of Explosive Rules, 2008, the expression has been misconstrued. It is also his case that no infraction of the terms and condition have been noted.

2.I find considerable force in the contention of the petitioner's counsel. Since the livelihood of the petitioner will take a hit, I grant an order of interim stay. Notice.

sd/-
08/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

THE COMMISSIONER OF POLICE,
MADURAI CITY, MADURAI

+1. C.C. to Mr.S.VENKATESH, Advocate SR.No.822

ORDER
IN
WMP(MD) No.1698 of 2021
IN
WP(MD) No.1996 of 2021
Date :08/02/2021

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PK/JC/SAR-III/11.02.2021 : 2P/3C