



W.A(MD)No.1717 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1717 of 2025
and
C.M.P(MD)No.9575 of 2025**

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Revenue Officer,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Sub Collector,
Paramakudi Taluk,
Ramanathapuram District.
- 5.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

... Appellants /
Respondents

Vs.

V.P.M.Jeyamani

... Respondent /
Writ Petitioner



W.A(MD)No.1717 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this Court in W.P(MD)No.12463 of 2024 dated 22.11.2024.

For Appellants : Mr.A.Kannan
Additional Government Pleader

For Respondent : Mr.M.Ajmal Khan

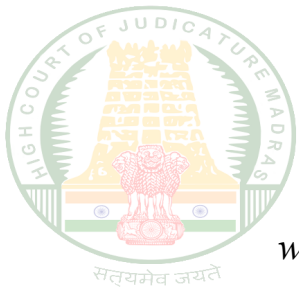
JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The department is on appeal challenging the order dated 22.11.2024 allowing W.P(MD)No.12463 of 2024. The writ petitioner has been running a retail cracker shop in the petition mentioned premises. She sought renewal. This request was rejected by the authority. Challenging the same, the petitioner filed W.P(MD)No.12463 of 2024. The writ petition was allowed by the learned single Judge on 22.11.2024 in the following terms:

“3.The petitioner was running a retail unit of crackers shop in the place situated at Door No.10/80A, Rajaveethi, Paramakudi Taluk, Ramanathapuram District from the year 2005. The petitioner was originally granted a license by order dated 28.10.2005 vide License No.11 of 2005. The said license



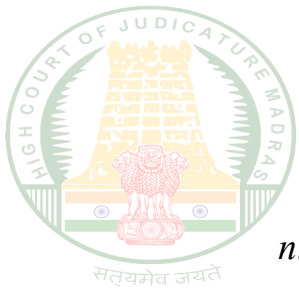
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was periodically renewed continuously till March 2023. Whenever the petitioner applied for renewal of her license, the authorities concerned, after satisfying the safety norms and other criteria, renewed the license from time to time. The petitioner is being a widow, the cracker shop is only for her livelihood. So far there is no complaint with regard to the location of the shop or the safety measures. The petitioner's shop is also located as per the safety distance prescribed under the Explosives Act, 1884. while being so, when the petitioner applied for renewal of her license, on 15.03.2023 under Rule 165(4) of the Explosives Act, 1884 in the prescribed format under Form-13 before the first respondent with requisite fees. However, the third respondent rejected the application for renewal of her license on the grounds that there is no proper fire exit and the shop is located in a residential area.

4. Admittedly, the petitioner was running the cracker shop from the year 2005 continuously and her license was renewed from time to time. She also did not change her shop location and it is situated in the same address. It has two exits, in which one exit is situated independently without connecting the shop. Though it is situated in a residential area, the petitioner shop is located as per the prescribed norms as contemplated under the Explosives Rules, 2008. It is relevant to extract Rule 83 of the Explosives Rules, 2008 hereunder:

*'83. Explosives permitted for possession and sale from shop.—
(1) No explosives, other than fireworks, gun powder, small arm*



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nitro compound and safety fuse, permitted in licence shall be stored in a shop for possession and sale.

(2) Construction of shop.—The shop shall be constructed of a brick, stone or concrete and the shop shall be closed and secured so as to prevent unauthorised person from having access thereto.

(3) The premises shall have storage area not less than nine square meters and not more than twenty five square meters. (4) The shop shall —

(a) be located on the ground floor of a building completely separated from other parts of the building by substantial walls having independent entrance and emergency exit from open air and having doors opening outwards, if applicable;

(b) not be situated in the sub-level or basement or mezzanine floor;

(c) not be situated under the upper floor used for the purpose of dwelling;

(d) not be situated under or nearby any staircase or lift;

(e) be accessible for fire fighting; and

(f) have no electrical apparatus or battery or oil lamp or similar equipments capable of producing spark or ignition and all electrical wiring in the shop be fixed and effectively sealed or conduited or mechanically protected; the main switch or circuit breaker be provided at the immediate accessible position outside the premises.'



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5.The petitioner's shop is not located as against the Rule 83 of the Explosives Rules, 2008. It is also relevant to extract 83(3) of the Explosives Rules, 2008, hereunder:

'(3) The premises shall have storage area not less than nine square meters and not more than twenty-five square meters.'

6.Accordingly, the distance of the petitioner's shop is maintained and it is not located within the distance of 15 meters from any such premises or any other premises used for storage of similar explosives and hazardous materials. Further, the learned counsel appearing for the petitioner pointed out that in the very same location, small cracker shops were located and they were licensed to have a shop in the same locality. Unfortunately, the application submitted by the petitioner for renewal of her license alone was rejected that too on the ground that the petitioner's shop is located in a residential area. That apart, the petitioner was not given an opportunity of hearing while rejecting her application for renewal of her license.

7.Rule 116 of the Explosives Rules, 2008 states that the licensee shall be given an opportunity of being heard before refusal of renewal of the license. It is relevant to extract Rule 116(5) of the Explosives Rules, 2008, hereunder:

'116.Refusal to amend or renew a licence.-

(5) Before refusing renewal of a licence under the rule, the holder of the licence shall be given an opportunity of being heard.'



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8. Admittedly, the petitioner was not given an opportunity of hearing before the rejection of her application for renewal of her license. Therefore, it is a clear violation of the principles of natural justice. In view of the above, the order impugned cannot be sustained and the same is liable to be quashed.

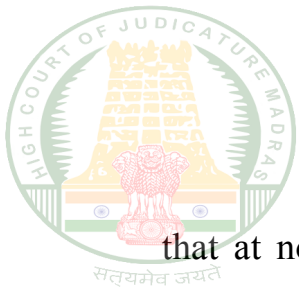
9. Accordingly, the impugned order passed by the third respondent dated 15.03.2023 is quashed. The third respondent is directed to renew the license of the petitioner in License No. 11 of 2005 and issue a fresh license to have a crackers retail shop, within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed. ”

Aggrieved by the same, this Writ Appeal has been filed.

3. We bear in mind the following aspects:

- a) The writ petitioner is a widow
- b) Running the petition mentioned shop appears to be the prime source of her livelihood. For the last 25 years, the writ petitioner has been running the shop, and prior to that her husband was running the shop for 10 years.

4. The photographs produced before us indicate that an emergency exit has also been duly provided. The rules do not forbid running such a retail shop in a residential area. The petitioner undertakes to strictly abide by the condition



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that at no point of time she would store more than 50 Kgs of fire crackers.

Directing the writ petitioner to give the aforesaid undertaking, we confirm the order of the learned single Judge.

5.This Writ Appeal stands dismissed. There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
28.07.2025

NCC : Yes / No
Internet : Yes / No
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