



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.15231 of 2023
and
W.M.P(MD)No.12839 of 2023

Kala

...Petitioner

Vs

The District Revenue Officer / Additional District
Magistrate, Tirunelveli District,
Tirunelveli.

(Cause title amended vide Court order dated 26.09.2025
in WMP(MD) No.13908 of 2023 in WP(MD)No.15231 of 2023)

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records related to the orders issued by the respondent in his proceedings in Na.Ka.E4/30335/2020, dated 26.04.2023 and quash the same as illegal.

For Petitioner : Mr.T.A.Ebenezer

For Respondent : Mr.D.Farjana Ghoushia
Special Government Pleader

* * * * *



ORDER

The present writ petition has been filed challenging an order dated 26.04.2023 wherein the explosive license granted to the writ petitioner has been cancelled.

2. The petitioner is running a fire works factory and a huge explosion took place on 04.03.2023 at about 3.30 p.m. Pursuant to the said accident, the temporary suspension order was issued on 04.03.2023 itself. The petitioner was issued with a notice under Rule 9(1) of the Explosive Act, 1884 to appear for an enquiry on 27.03.2023. The petitioner had appeared for an enquiry. Thereafter, the impugned order came to be passed on 26.04.2023 permanently revoking the explosive license. This order is put to challenge in the present writ petition.

3. According to the learned counsel appearing for the writ petitioner, no show cause notice was issued to the petitioner before cancellation of the license. However, the learned Special Government Pleader appearing for the respondent points out that a notice has been issued to the writ petitioner on 17.03.2023 to appear for an enquiry on 27.03.2023. Only after hearing the writ petitioner, the license was cancelled.



4. I have carefully considered the submissions made on either side and perused the materials available on record.

5. A perusal of the records reveal that notice dated 17.03.2023 has been issued only under Rule 9(1) of the Explosive Act, 1884. The said rule relates to conducting an enquiry for the accident. Therefore, it is clear that the petitioner was called upon to appear for the enquiry only relating to the accident that has taken place on 04.03.2023. The petitioner was never put on notice that the license is likely to be cancelled.

6. As per the Rule 118 of the Explosive Rules, 2008 before revocation of cancellation of the license, opportunity should be granted to the licensee. However, in the present case, no notice has been issued to the writ petitioner under Rule 118 of the Explosive Rules, 2008.

7. In view of the above said facts, the order impugned in the writ petition is hereby set aside. However, the authorities are at liberty to proceed in accordance with law.

8. With the above said observations, this writ petition stands disposed of.



No costs. Consequently, connected writ miscellaneous petition is also closed.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

The District Revenue Officer / Additional District
Magistrate, Tirunelveli District,
Tirunelveli.



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R.VIJAYAKUMAR, J.

RJR

W.P.(MD)No.15231 of 2023

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