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W.P.(MD)No.24969 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.24969 of 2024
and W.M.P(MD).Nos.21269 and 21270 of 2024

A.Aasappa

... Petitioner

Vs.

The District Revenue Officer,
Madurai District, Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned order in Mu.Mu.No.C4/1889179/2024 dated 04.10.2024 on the file of the respondent and quash the same and further directing the respondent to renew the license period of the petitioner bearing license No.LE5-No26/2015 to run the crackers shop in the name and style of 'Sun Crackers' in ground floor in Door No.16A, Trichy main Road, Santhaipettai 1st Street, Melur Town, Melur Taluk, Madurai District.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.D.Sasikumar
Additional government Pleader



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ORDER

The writ petition has been filed seeking to quash the impugned order in Mu.Mu.No.C4/1889179/2024 dated 04.10.2024 on the file of the respondent and consequential direction to the respondent to renew the license period of the petitioner bearing license No.LE5-No26/2015 to run the crackers shop in the name and style of 'Sun Crackers' in ground floor in Door No.16A, Trichy main Road, Santhaipettai 1st Street, Melur Town, Melur Taluk, Madurai District.

2. It is the case of the petitioner that he has been running the crackers shop in the name and style of 'Sun Fireworks'. The petitioner has been running the said shop in the ground floor of the building bearing Door No.16A, Trichy Main Road, Santhaipettai 1st Street, Melur Town, Melur Taluk, Madurai District. For running the crackers shop in the said premises, he had been granted license for storing and retail selling of the crackers vide proceedings of the respondent dated 11.03.2016 bearing License No.26/2015. The said license was initially granted for a period of two years and subsequently, once in two years the same was being renewed periodically on inspection of the respondent and other revenue officials as well as on the inspection of the District Officer of Fire and Rescue Services.



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3. Even in the year 2022, the same respondent had granted renewal of license for a period of two years from 01.04.2022 to 31.03.2024 by order dated 24.08.2022. Since the license was about to expire on 31.03.2024, the petitioner had submitted an application with necessary fees on 26.02.2024 for renewal. Along with the application to renew the license, he had also enclosed the certificate issued by the District Officer of Fire and Rescue Services, Madurai District, granting license under Section 13 of the Tamilnadu Fire and Rescue Services Act, 1985, which is valid till 26.06.2025. The petitioner was under the *bona fide* belief that the license would be renewed, however, to shock and surprise, the respondent had denied to grant extension of license vide impugned order dated 04.10.2024. Therefore, the petitioner is before this Court.

4. On 21.10.2024, this Court had sought an explanation as to how the very same officer, who had earlier renewed the license, has now cancelled the same without affording an opportunity of personal hearing as mandated under the Rules and also granted an interim order of stay.

5. It is now explained that the ground, on which, the petitioner's request has been turned down was that there was no proper entry and exist in the premises, which is in violation of the provisions of Rule 135 of the Explosive Act 1884. Therefore, this Court had directed the respondent to submit a



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detailed photograph as well as sketch showing the location of the cracker shop as it exists now, the exit and entry points and whether in the event of an explosion, the road could be accessed easily by a fire engine.

6. The report came to be filed today i.e., 31.10.2025, in which, it has been clarified that the building consists of a ground and a first floor. The ground floor houses a crackers shop and two houses in the first floor were kept vacant and that entry and exit had been provided in the building. The Tahsildar had also stated that these are the reasons for disregarding the application of the petitioner to grant the permanent license in respect of the property in question.

7. The counter affidavit has also been filed along with the said report *prima facie* stating that public safety is more important and that an opportunity was given to the petitioner under Section 6 and 115 of the Act.

8. Heard the arguments on either side.

9. The records would show that the petitioner has been running the shop since 2016 and his license was being periodically renewed. The renewal is done only after inspecting the premises. The present allegation that there was no proper entry and exit points in the property is now proved to be wrong in the



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light of the report of the Tahsildar, who had said that there is an entry and exit to the property in question. That apart, even according to the Tahsilar, the first floor is kept vacant and therefore, the question of any collateral damage to the persons or properties in the first floor does not arise. Therefore, the ground on which, the petitioner's request for renewal has been rejected appears to be erroneous. However, by way of abundant caution, it would be appropriate to direct the petitioner to submit an undertaking affidavit stating that he shall keep the first floor vacant. On receipt of the same, the respondent shall process the application of the petitioner and grant license to the petitioner within a period of three weeks therefrom.

10. In view of the above, the impugned order in Mu.Mu.No.C4/1889179/2024 dated 04.10.2024 on the file of the respondent is set aside and the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

31.10.2025

NCC:yes/no
Index:yes/no
Rmk



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To

The District Revenue Officer,
Madurai District, Madurai.



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P.T.ASHA, J.

Rmk

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