



W.P.(MD)No.25132 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.25132 of 2024

Ariramakrishnan

... Petitioner

Vs.

1. The Principal Secretary to Government cum
Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai 5.

2. The District Revenue Officer cum
Additional District Magistrate,
Tirunelveli District.

3. The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the record, pertaining to the impugned order passed by the 2nd respondent in Pa.Mu.E3/4456/2024 dated 10.10.2024 and quash the same and further directing the 2nd respondent to issue cracker licence to the petitioner as shop no. 81/C2, Highways Road, Tisaiyanvilai.



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For Petitioner : Mr.PR.Prithiviraj
For R1 to R4 : Mr.D.Sasi Kumar
Additional Government Pleader

ORDER

The writ petition is filed to quash the impugned order passed by the 2nd respondent dated 10.10.2024 and further directing the 2nd respondent to issue cracker licence to the petitioner as shop no. 81/C2, Highways Road, Tisaiyanvilai.

2. The facts as set out in the affidavit filed in support of the writ petition reads as under:-

The petitioner would submit that his father Gurusamy had been running a cracker shop at Shop No.144, Highways Road, Thisayanvillai from the year 2002. He had also obtained necessary license for the same. The petitioner's father passed away on 10.08.2022. Thereafter, the petitioner had submitted an application to the 3rd respondent to issue license in his name in respect of the afore mentioned shop. However, the



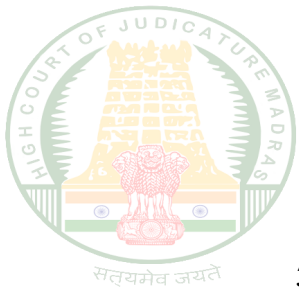
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3rd respondent without even considering the application from its proper perspective rejected the request. This order was taken up on appeal by the petitioner to the 2nd respondent on 11.10.2022.

3. The 2nd respondent had conducted an enquiry and all the relevant documents along with safety measures adopted by him was submitted by the petitioner. In addition, the 2nd respondent had also inspected the shops and had observed that the next shop selling crackers was 50 meters away from the petitioner's shop on one side and 20 meters on the other. In this regard, the license given to one Ragupathy who had the shop 20 metres away from the petitioner's shop had been cancelled. Therefore, there was no impediment for the grant of license.

4. Despite submitting the documents and despite the personal inspection done by the 2nd respondent, the 2nd respondent rejected the appeal. Challenging the same, the petitioner had filed W.P(MD)No.17118 of 2024 before this Court and by order dated 25.07.2024, this Court had allowed the writ petition and remitted the matter back to the 2nd respondent for fresh consideration.



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5. The reason for the remand was on account of the fact that the 2nd respondent had not considered the distance between the shops. The 2nd respondent was also directed to keep in mind the fact that the petitioner's father had been granted the license earlier. Since the 2nd respondent was not proceeding to hear the appeal, the petitioner had submitted a representation once again to the 2nd respondent on 07.08.2024 along with the copy of the order in W.P(MD)No.17118 of 2024. Even thereafter, the 2nd respondent did not proceed to hold the enquiry and pass orders. The petitioner had informed the 2nd respondent that it is only during the months of October and November that the sale of crackers is at its peak. While so, without even holding an enquiry, the 2nd respondent had proceeded to pass the impugned order dated 10.10.2024 which was served on 16.10.2024 to the petitioner stating that the cracker license cannot be granted as the shop falls in the market area and the shop is one among the continuous building and in violation of Rule 83(3) of the Explosives Rules, 2008. Challenging the same, the petitioner is before this Court.

6. Heard the learned counsel on either side.



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7. Admittedly, the shop in respect of which the license had been sought for by the petitioner is a permanent shop and it has been in existence since 2002. The contention that the petitioner shop falls within the market area and it is a continuous building has already been taken care of by the respondents and the license issued to the petitioner's father. Therefore, this reason for rejecting the license is totally misconceived. Further Section 83(3) of the Explosive Rules, 2008 does not relate to fire crackers.

8. Section 83(1) of the Explosive Rules, 2008 reads as under:-

“83, Explosives permitted for possession and sale from shop -
(1) No explosives, other than fireworks, gun powder, small arm
nitro compound and safety fuse, permitted in licence shall be
stored in a shop for possession and sale.”

9. The very reading of Section 83(1) clearly shows that the same does not apply with reference to fire works, gun powder, small arm, nitro compound. Therefore, the second reason for the rejection is also without any basis.



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10. Accordingly, the writ petition is allowed and the impugned order dated 10.10.2024 is set aside with a direction that the petitioner shall submit his application afresh and the same shall be considered by the 2nd respondent particularly taking into account the fact that the petitioner's father had been running a cracker shop in the very same premises for over two decades.

11. With these directions, the writ petition stands allowed. No costs.

26.09.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.T.ASHA, J.

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