

P.V.Rajan vs the Joint Chief Controller of Explosives

P.V.Rajan vs the Joint Chief Controller of Explosives

SooperKanoon Citation : sooperkanoon.com/1298667

Court : Kerala

Decided On : Jan-15-2024

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/12161/2015

Appellant : P.V.Rajan

Respondent : The Joint Chief Controller of Explosives

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 15TH DAY OF JANUARY 2024 / 25TH POUSHA, 1945
WP(C) NO. 12161 OF 2015 PETITIONER/S: P.V.RAJAN AGED 51
YEARS S/O. P.V.VARGHESE VAIDYAR (EX-MLA), PANAKKAL
HOUSE, MYLAMBADI P.O., WAYANAD DISTRICT. BY ADVS.
SRI.C.P.PEETHAMBARAN SMT.MINI.V.A. RESPONDENT/S: 1 THE
JOINT CHIEF CONTROLLER OF EXPLOSIVES SOUTHCIRCLE,
PESO, SASTRI BHAVAN, NUNGAPAKKAM, CHENNAI. 2 THE
DEPUTY CHIEF CONTROLLER OF EXPLOSIVES PESO, BLOCK C-2,
3RD FLOOR, KENDRIYA BHAVAN, KAKKANAD, KOCHI,
ERNAKULAM-682 037. BY ADVS. SRI.BABU P.L., R1 & R2 SRI.BABU

P.L. CGC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C)No.12161/2015 2

JUDGMENT

The petitioner had obtained licences to store, sell and transport explosives under the provisions of the Explosives Act, 1884 and read with provisions contained in the Explosives

Rules, 2008. Exts.P5 to P7 notices have been issued to the petitioner regarding Exts.P1 to P3 licences issued to the petitioner, in the light of the registration of Crime No.171/2013 of Kannavam Police Station, Kannur District. The licences granted to the petitioner have been suspended by Ext.P7 proceedings dated 12.2.2015. The petitioner has filed replies to the show cause notices

issued to him. However, through Ext.P9 communication dated 16.3.2015, the petitioner was informed that the explanation submitted is not satisfactory or convincing and requiring the petitioner to submit a proper reply to the show causes notices issued to the petitioner. On receipt of Ext.P9, the petitioner approached this Court by filing the above writ petition praying for the following reliefs:- (i) call for records leading to issuance of Exhibits P-5, P-6, P-7 and P-9 from the 2 nd respondent and quash Exhibit P-5, P-6, P-7 and P-9, by issuing a Writ of Certiorari or any other appropriate writ, order or direction;

(ii) Issue a Writ of Mandamus or any other W.P.(C)No.12161/2015 3

appropriate writ, order or direction, directing the respondents not to invoke the penalty clauses of Section 6E of the Explosives Act and Rule 118(5) of the Explosives Rules till the Criminal Court passed final verdict in Crime No. 171/2013 of Kannavam Police Station, Kannur District.

(iii) Grant such other relief that this Hon'ble Court deem fit and proper in the circumstances of the case.

2. When this matter is taken up for consideration today, it

is noticed that Exts.P1 to P3 licences issued to the petitioner under the provisions of the Explosives Act and read with provisions of the Explosives Rules, have expired, by passage of time. There is nothing on record to suggest that the licences were actually renewed or that there were applications filed by the petitioner for renewal of licences. It is also clear from the pleadings in the writ petition that the petitioner has not filed any further reply to Ext.P9. In the light of the above, no useful purpose will be served by adjudicating this writ petition on merits as the licences itself appear to have expired by passage of time.

In view of the above, I am inclined to dispose of this writ

petition directing the 2nd respondent to adjudicate the issue referred to in Ext.P9 notice, on the petitioner filing further replies to the show causes notices issued to him as required in Ext.P9, after affording an opportunity of hearing to the petitioner or his authorized representatives. Based on the decision to be taken by the

W.P.(C)No.12161/2015 4 2nd respondent, the petitioner may either apply for issuance of fresh licence or for renewal of existing licences, if permissible in law. The petitioner shall file a suitable additional replies to the show causes notices issued to him and shall appear before the 2 nd respondent along with a copy of this judgment and copy of this writ petition and thereafter, the matter shall be adjudicated by the 2nd respondent as directed above, without undue delay.

The writ petition is disposed of as above. Sd/- GOPINATH P. JUDGE and
W.P.(C)No.12161/2015 5 APPENDIX OF WP(C) 12161/2015 PETITIONER
EXHIBITS

P1 : COPY OF THE LICENSE NO.E/SC/KL/21/209/(E39278)
DTD.21.2.2012 ISSUED BY THE 1ST RESPONDENT. P2 : COPY OF
THE LICENSE NO.E/HQ/KL/21/78(E49874) ISSUED BY THE 2ND
RESPONDENT. P3 : COPY OF THE LICENSE NO.E/SC/KL/25/74 (E
54069) ISSUED BY THE 1ST RESPONDENT. P4 : COPY OF THE
ORDER IN CRL.MC NO.2627/2013 OF THIS HON'BLE COURT. P5 :
COPY OF THE SHOW CAUSE NOTICES DTD.28.1.2015 ISSUED BY

THE 2ND RESPONDENT AGAINST LICENSE NO.E39728. P6 : COPY OF THE SHOW CAUSE NOTICES DTD.28.1.2015 ISSUED BY THE 2ND RESPONDENT AGAINST LICENSE NO.E49874. P7 : COPY OF THE NOTICE DTD.31.1.2015 ISSUED BY THE 2ND RESPONDENT. P8 : COPIES OF THE REPLY TO THE SHOW CAUSE NOTICES SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT. P9 : COPY OF THE NOTICE DTD.16.3.2015 ISSUED BY THE 2ND RESPONDENT.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com