

Robins Joseph vs the Deputy Chief Controller of Explosives

Robins Joseph vs the Deputy Chief Controller of Explosives

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Court : Kerala

Decided On : Jan-15-2021

Judge : Honourable Dr. Justice a.K.Jayasankaran Nambiar

Appeal No. : WP(C)/1138/2021

Appellant : Robins Joseph

Respondent : The Deputy Chief Controller of Explosives

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR FRIDAY, THE 15TH DAY OF JANUARY 2021/25TH POUSHA, 1942 W.P(C).No.1138 OF 2021(N) PETITIONER: ROBINS JOSEPH AGED 38 YEARS S/O. JOSEPH, KAITHARATH HOUSE, NEELEESWARAM P.O, KALADY, ERNAKULAM DISTRICT. BY ADVS.SRI.BABU S. NAIR SMT.SMITHA BABU SRI.P.A.RAJESH SMT.SHAMSEERA. C.ASHRAF SRI.R.B.RAJESH RESPONDENT: THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES KENDRIYA BHAVAN, BLOCK C2, 3RD FLOOR, CSEZ, KAKKANAD P.O, ERNAKULAM DISTRICT, PIN-682 030 BY SRI.K.J.MANURAJ, GOVT. PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR

ADMISSION ON 15.01.2021, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: W.P.(C).No.1138/2021 :: 2 ::

JUDGMENT

The petitioner has approached this Court challenging

Exts.P5 and P6 orders passed against him under the Explosives Act, 1884. Although various contentions are raised in the writ petition, in its challenge against Ext.P5 and P6 orders, I am of the view that against the said orders, the petitioner has an effective alternate remedy by way of an appeal under Section 6F of the Explosives Act read with Rule 121 of the Explosives Rules, 2008. Accordingly, without prejudice to the right of the petitioner to move the Appellate Authority under the Act, the writ petition, in its challenge against the said orders, is dismissed.

I make it clear that if the petitioner prefers an appeal as directed, within two weeks from today, after complying with the necessary formalities, then the Appellate Authority shall proceed to consider the contentions of the petitioner on merits, after hearing him, and pass a detailed order referring to the W.P.(C).No.1138/2021 :: 3 :: said contentions and stating reasons for the decision taken by him in the appeal. The petitioner shall produce a copy of the writ petition together with a copy of this judgment, before the Appellate Authority, for further action.

Sd/- A.K.JAYASANKARAN NAMBIAR JUDGE prp/15/1/2021 APPENDIX
PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE ORIGINAL
LICENCE ISSUED TO THE PETITIONER BY THE JOINT CHIEF CONTROLLER
OF EXPLOSIVES, CHENNAI DATED 22.10.2007. EXHIBIT P2 TRUE COPY OF
THE LICENCE ISSUED TO THE PETITIONER BY THE RESPONDENT DATED,
11.11.2019. EXHIBIT P3 TRUE COPY OF THE F.I.R IN CRIME NO. 1478/2020
OF THE KALADY POLICE STATION DATED 21.9.2020. EXHIBIT P4 TRUE
COPY OF THE STATEMENT SUBMITTED BY THE PETITIONER DATED
4.12.2020 BEFORE THE ADDITIONAL DISTRICT MAGISTRATE, ERNAKULAM.

EXHIBIT P5

TRUE COPY OF THE ORDER DATED 21.10.2020

RESPONDENTS EXHIBITS: NIL. //TRUE COPY// P.S. TO JUDGE

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