

(2010) 10 AHC CK 0307

In the Allahabad High Court

Case No : Civil Misc Writ Petition No. 62646 of 2010

Dheeraj Katariya and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 12-10-2010

Acts Referred:

Explosives Act, 1884 — Section 6E(1), 6E(5)
Explosives Rules, 2008 — Rule 155

Citation : (2011) 1 ADJ 180 : (2011) 1 AWC 692

Hon'ble Judges : Sunil Ambwani, J; Kashi Nath Pandey, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. We have heard learned Counsel for the parties.
2. The Petitioners claim to have license on Form-24 under Rule 155 of the Explosives Rules, 2008 for possession of the prescribed quantity and storage of fire crackers. By this writ petition they are aggrieved by the directions issued by the District Magistrate, Agra for sale of explosives at specified open places of which list has been published.
3. It is submitted that the Addl. District Magistrate (City), Agra and the District Fire Officer, Agra do not have authority to regulate the place of business and to direct the Petitioners to sell the fire crackers at any place other than licensed premises or to direct them to sell the fire crackers at a specified open place. The Petitioner has relied upon an order passed by this Court on 10.11.2004 in Writ Petition No. 47962 of 2004 restraining the Respondents from interfering with their business.
4. The impugned order has been passed in public interest, to avoid any fire incident in residential localities and markets, where the Petitioners' licensed business places are situate. Section 6E(1) and (5) of (The Indian) Explosives Act, 1884; and the conditions of license give ample authority to the District

Magistrate as licensing authority to put and vary conditions on the licensees for public safety. The licensing authority has not placed any restrictions on the Petitioners" for the storage for the quantities below the quantities prescribed in the license nor have restricted the storage. It has only issued directions for retail sale at a specified open space.

5. The condition to sell the fire crackers during festivals from specified open place, for safety of general public, does not violate the Petitioners" rights under the license given to them, in any manner.

The writ petition is dismissed.