(2002) 07 MAD CK 0153

In the Madras High Court

Case No : Writ Petition No. 24311 and W.P.M.P. No''s. 33418 and 33419 of 2002

P. Arunagiri — APPELLANT

Vs

The Joint Chief Controller of Explosives, Chennai, The Principal Commissioner and Commissioner of Revenue Administration, Chepauk, Chennai and The Joint Commissioner of Land Revenue, Chepauk, Chennai — RESPONDENT

Date of Decision : 09-07-2002

Acts Referred:

Citation : (2002) 07 MAD CK 0153

Hon'ble Judges : V. Kanagaraj, J

Bench : Single Bench

Advocate : A.U. Ilango, for the Appellant; S. Venkatesh, AGP, for the Respondent

Final Decision : Allowed

Judgement

V. Kanagaraj, J.—Writ petition praying for the issue of a writ of certiorarified mandamus calling for the records of he third respondent dated 1.4.2002 made in R.C.R.A.5(2)/7139/2002 and quash the same and to direct the respondents to renew the licence of the petitioner No.Ma.4921/E in Form 21, for a further period of two years.

2. Learned AGP (Writs) takes notice on behalf of the respondents.

3. On a perusal of the pleadings, having regard to the materials placed on record and upon hearing the learned counsel for both, what comes to be known is that the petitioner had been originally licensed in Form 21 under Explosives Rule 1983 and for certain criminal cases registered under different crime numbers of different Police Stations at Tirunelveli and Chennai, on ground of public safety and security, the said licence of the petitioner is suspended and an order had been passed on 09.05.2000 testifying the validity, of which the petitioner preferred an appeal before the appellate authority designated under law and the appellate authority absolutely bereft of any consideration or

appreciation of any material, has passed a one sentence order, thereby directing the writ petitioner to approach the District Revenue Officer, Tirunelveli after the criminal cases pending against him in different Courts are disposed of.

4. This Court has no reason at this stage to go into the conclusions arrived at by the appellate authority, which does not also mean that this Court is either accepting the conclusions or rejecting the same. However, this Court concern is the manner in which the said conclusion has been arrived at by the appellate authority, since the cardinal rule in disposing of such appeals the reasons should prevail and the petitioner has got a right to know as to for what reasons such a conclusion has been arrived at by the respondent/appellate authority, the Joint Commissioner of Land Revenue and therefore, testifying the validity of the order passed by the appellate authority dated 01.04.2002, the petitioner has come forward to file the above writ petition on certain grounds as it has been brought forth in the grounds of the writ petition.

5. Time and again, this Court has insisted on such authorities to pass a speaking order in full consideration of the facts and circumstances encircling the whole case and with an opportunity for the petitioner to be heard, both of which have not been observed by the appellate authority as it comes to be seen from the order and therefore, it is only proper in the above circumstances to set aside the order impugned passed by the appellate authority and remand the above matter for his fresh disposal in the manner that it has to be dealt with and to pass orders.

In result,

i) the above writ petition succeeds and the same is allowed.

ii) the order dated 01.04.2002 passed by the appellate authority, Joint Commissioner of Land Revenue in his R.C.R.A.5(2)/7139/2002 is hereby quashed.

iii) The appellate authority is further directed to issue notice to the petitioner and hear fully entertaining even additional grounds raised or additional materials placed on record.

iv) The subject is remitted to the appellate authority/Joint Commissioner of Land Revenue, Chepauk, Chennai - 600 005 for re-consideration and to pass orders in the manner aforementioned.

v) However in the circumstances of the case there shall be no order as to costs.

vi) Consequently, W.P.M.P.Nos.33418 and 33419 of 2002 are closed.

