

(2024) 09 KL CK 0003

In the High Court Of Kerala

Case No : Writ Petition (C) No. 31048 Of 2024

Varughese P.I

APPELLANT

Vs

District Collector Collectorate Kottayam

RESPONDENT

Date of Decision : 05-09-2024

Acts Referred:

Citation : (2024) 09 KL CK 0003

Hon'ble Judges : Dr. Kauser Edappagath, J

Bench : Single Bench

Advocate : L.Rajesh Narayan, Rajeev Jyothish George

Final Decision : Disposed Of

Judgement

Dr. Kauser Edappagath, J

1. The petitioner is aggrieved by Ext.P8 order passed by the respondent No.3 which refused the petitioner's application for issuance of LE-6 licence for public display of fireworks in connection with the festival of the St.Mary's Jacobite Syrian Cathedral, Manarcad in Kottayam District.

2. According to the petitioner, the fireworks are proposed to be conducted by licenced contractor who possesses a valid licence and he has complied with all conditions and submitted all the relevant documents along with the application and therefore, the same ought to have been allowed. It is alleged that Ext.P8 is illegal, arbitrary and passed mechanically without considering the facts and circumstances of the case.

3. I have heard Sri.L.Rajesh Narayan, the learned counsel appearing for the petitioner and Sri.Rajeev Jyothish George, the learned Government Pleader.

4. The respondent No.3 rejected the application mainly on two grounds. (i) The petitioner did not provide the firework magazine as required under the Explosives Rules and (ii) The report of the District Police Chief as well as the chemical examination lab report have not been obtained.

5. So far as the first ground is concerned, the case of the petitioner is that he does not intend to store the explosives at the site and rather the same will be brought to the site just before the time of display and then the display will be carried out. In such cases, there is no requirement for a permanent magazine to be constructed by him. The petitioner has undertaken that he is ready and willing to set up a portable magazine with all necessary safety measures for the safe storage of the fireworks. So far as the second ground is concerned, Ext.P18 would show that the chemical examination lab report has already been obtained and Ext.P16 would show that the District Police Chief has also submitted a report. In Ext.P16 report of the District Police Chief it is stated that the neighboring owners of the property where the display is going to be carried out have expressed their no objection. However, it is stated in Ext.P16 that a crime has been registered against the licence holder and steps have been initiated to cancel the licence of the licence holder. However, Ext.P17 would show that this Court has passed an order stating that the licence of the licence holder shall not be cancelled on the basis of the crime registered.

6. Ext.P2 would show that fireworks have been entrusted to one who owns a valid licence to conduct the same. According to the petitioner, the fireworks display is proposed to be held in an open area and permission was accorded to conduct the fireworks and display the same in the previous years. As stated already, the petitioner has expressed willingness to produce portable magazine to the satisfaction of the authorities and undertaken to satisfy all other requisite conditions for fireworks display under LE-6 licence to the satisfaction of the authorities.

7. For reasons state above, I am of the view that the impugned order is not sustainable and accordingly it is set aside. The respondent No.3 is directed to issue licence in Form LE-6 to the petitioner to conduct public display of fireworks on 07/09/2024, subject to the following conditions:-

(i) The petitioner shall produce portable magazine to the satisfaction of the authorities for the storage of the fireworks.

(ii) The petitioner shall satisfy all other requisite conditions for fireworks display under LE-6 licence to the satisfaction of the authorities.

(iii) Before commencement of the fireworks display, barricades shall be put up at a distance of 100 metres of the display point on all sides and no one except the persons who are performing fire works display shall be permitted into the prohibited area of 100 metres.

(iv) The quantity of the fireworks shall be limited to 15 kilograms.

(v) The police department and other statutory authorities shall supervise the entire fireworks display and issue necessary directions, if necessary.

(vi) In case of violation of any of the conditions, it will be open to the ADM or other competent officials to take appropriate action in accordance with law.

The writ petition is disposed of as above.