

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 28TH DAY OF MARCH 2018 / 7TH CHAITHRA, 1940

WP(C) .No. 9763 of 2018

PETITIONER

K.P.ARAVINDAKSHAN,
AGED 67 YEARS, S/O.GOPALAN,
RESIDING AT SAI KRIPA HOUSE,
PERAMBRA POST, ERAVATTUR VILLAGE,
KOYILANDI TALUK, KOZHIKODE DISTRICT.

BY ADV.SRI.R.NIKHIL

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. THE DISTRICT COLLECTOR, KOZHIKODE,
CIVIL STATION, KOZHIKODE-673001.
3. THE ADDITIONAL DISTRICT MAGISTRATE,
KOZHIKODE, CIVIL STATION, KOZHIKODE-673001.
4. THE CIRCLE INSPECTOR OF POLICE, PERAMBRA CIRCLE,
PERAMBRA, KOZHIKODE DISTRICT-673525.
5. THE SUB INSPECTOR OF POLICE, PERAMBRA POLICE STATION,
PERAMBRA, KOZHIKODE DISTRICT-673525.

BY SENIOR GOVERNMENT PLEADER SRI P.M.MANOJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28-03-2018,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.V.

APPENDIX

PETITIONER(S) ' EXHIBITS

- EXHIBIT P1 A TRUE COPY OF THE EXPLOSIVE LICENSE ISSUED TO
THE PETITIONER WHICH IS VALID TILL 31.03.2018.
- EXHIBIT P2 A TRUE COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.322/2016 OF PERAMBRA POLICE STATION.
- EXHIBIT P3 A TRUE COPY OF THE ORDER DATED 04.08.2016 PASSED
BY THE JUDICIAL FIRST CLASS MAGISTRATE-1,
PERAMBRA IN C.M.P.NO.2239/2016.
- EXHIBIT P4 A TRUE COPY OF THE APPLICATION DATED 12.01.2018 AS
APPLICATION NO.LICENSE NO.919-118060/18 SUBMITTED
BEFORE THE 3RD RESPONDENT.
- EXHIBIT P5 A TRUE COPY OF THE CHALLAN DATED 12.01.2018
EVIDENCING PAYMENT OF FEES FOR THE RENEWAL OF
LICENSE.
- EXHIBIT P5 (A) A TRUE COPY OF THE CHALLAN DATED 25.01.2018
EVIDENCING PAYMENT OF FEES FOR THE RENEWAL OF
LICENSE.
- EXHIBIT P6 A TRUE COPY OF THE JUDGEMENT DATED 15.02.2016 IN
W.P. (C) NO.5615 OF 2016 ON THE FILES OF THIS HON'BLE
COURT.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

K.V.
28.03.2018

P.S.TO JUDGE

SHAJI P. CHALY, J.

W.P.(C). No. 9763 OF 2018

Dated this the 28th day of March, 2018

JUDGMENT

The petitioner is the owner of a cracker shop at Perambra functioning on the strength of valid explosive licence issued on 07.04.1997 which was being periodically extended. According to the petitioner, the said licence is valid up to 31.03.2018. In order to renew the licence, the petitioner has submitted Ext.P4 application. However, according to the petitioner, the same is not considered on the basis of a crime pending against the petitioner. It is also the case of the petitioner that under similar circumstances this Court has passed Ext.P6 judgment in W.P.(C) No.5615/2016 dated 15.02.2016 and held that mere pendency of a crime did not stand in the way of renewing the licence.

2. Having heard the learned counsel for the petitioner and the learned Senior Government Pleader and perusing the pleadings and documents on record, there will be a direction to the 3rd respondent to consider Ext.P4 application in accordance with law and attain finality at the earliest possible time, taking

note of the proposition of law laid down in Ext.P6 judgment, also bearing in mind that 'Vishu' is approaching, and at any rate, within three weeks from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of this judgment along with the writ petition and appended documents, before the 3rd respondent.

This writ petition is disposed of accordingly.

Sd/-

SHAJI P. CHALY
JUDGE

sd