

Court No. - 6

Case :- WRIT - C No. - 4042 of 2021

Petitioner :- Manoj Mittal

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Agarwal Archi Piyush, Varad Nath

Counsel for Respondent :- A.S.G.I., C.S.C., Gaurav Kumar Chand

Hon'ble Ajay Bhanot, J.

Learned Standing Counsel has produced instructions which disclose that five parcel of lands have been earmarked for sale of fire crackers by the administration in District Saharanpur.

Shri Amit Saxena, learned Senior Counsel assisted by Ms. Archi Agarwal, learned counsel and Shri Varad Nath, learned counsel for the petitioner submits that the petitioner has been running a business of selling fire crackers. Over the years his shop has acquired a high reputation in the market. The petitioner is a responsible citizen and is willing to shift his business of selling of fire crackers at any suitable place appointed by the State authorities.

Matter needs consideration.

Since the festival of Diwali is at hand, as an interim measure, the petitioner shall be permitted by the respondent to set up a fire crackers shop at South City Maidan, Delhi Road, Police Station-Sadar, District Saharanpur. This place is approved for sale

of fire crackers by the State authorities.

The State administration has not prohibited sale of fire crackers. The policy of the administration of shifting fire crackers shops from densely populated areas, is laudable and cannot be faulted. However, it is also the responsibility of the administration to identify the safe areas where sale of fire crackers shall be permissible.

The District Magistrate, Saharanpur, shall file an affidavit after identifying all such areas in the District Saharanpur.

The impugned orders passed by the respondent authorities withdrawing no objection and cancelling explosive licences needs to be revisited in wake of the submissions made on behalf of the petitioner. The petitioner shall also file an affidavit to this effect before the District Magistrate, Saharanpur, as well as before this Court.

Put up this case on 25.11.2021 in the additional cause list.

Order Date :- 28.10.2021

Dhananjai