



CNR: KAHC010486172025

NC: 2026:KHC:48235
WP No. 22182 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 22182 OF 2025 (GM-POLICE)

BETWEEN:

SRI SANTOSH K S
S/O K V SATYANARAYANA SETTY,
AGED ABOUT 47 YEARS,
MANAGING PARTNER OF
M/S SRI LAXMI VENKATESHWARA CRACKERS BAZAAR
S/O K V SATYANARAYANA SETTY,
AGED ABOUT 47 YEARS,
R/AT NO. 152, 3RD CROSS,
MANASARA ROAD, INDIRA NAGARA,
MYSORE 570 010.

...PETITIONER

(BY SRI. D.R. RAVISHANKAR., SR. ADVOCATE FOR
SRI. SIRI RAJASHEKAR., ADVOCATE)

AND:

1. THE COMMISSIONER OF POLICE
MYSURU CITY
MYSURU 570001.
2. OFFICE OF THE CHIEF FIRE OFFICER
KARNATAKA FIRE AND EMERGENCY SERVICES,
MYSURU ZONE,
MYSURU 570016.

THE CHIEF CONTROLLER OF EXPLOSIVES
PETROLEUM AND EXPLOSIVES SAFETY ORGANISATION
'A' BLOCK, 5TH FLOOR, CGO COMPLEX,
SEMINARY HILLS, NAGAPUR-440006.

...RESPONDENTS

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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(BY SRI. PHANINI A.H., AGA FOR R1 & R2;
SMT. SWAMINI G. MOHANAMBAL., ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT TO QUASH COMMUNICATION VIDE BEARING NO. 02/PA A MU BA/MU.A.A/MY PRAM/2024-25, DATED. 22.04.2025, PASSED BY THE 2ND RESPONDENT VIDE ANNEXURE-G, BEING HIGHLY ARBITRARY AND ETC.

THIS WRIT PETITION, COMING ON FOR FURTHER HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:

(a) Issue a writ in the nature of Certiorari or any other appropriate writ to quash communication Vide bearing No. 02/PA.A.MU.BA/MU.A.A/MY.PRAM/2024-25, dated.22.04.2025, passed by the 2nd respondent vide Annexure-G, being highly arbitrary.

(b) Issue a writ in the nature of Certiorari or any other appropriate writ to quash communication Vide bearing no.COP(2)/EXPLO/27/2024-25, dated.03.06.2025, passed by the 1st Respondent vide Annexure-H, being highly arbitrary.

(c) Issue a writ in the nature of Mandamus directing the 1st Respondent to consider petitioners representation dated.07.07.2025, vide Annexure-K, within a time bound manner; and



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(d) Pass such other orders or direction as this Hon'ble court deems fit in the facts and circumstance of the case.

2. The grievance of the petitioner was that the distance requirement under clause (3) of Rule 86 was sought to be applied to the petitioner in respect of premises which were not used for storage of similar explosives, flammable or hazardous materials and the submission then made was clause (3) would apply only between two different premises, both of which are licensed for storage and sale of small arms, nitro compound fireworks or safety fuels, or used for similar explosives, flammable or hazardous material.
3. During the pendency of the matter, an amendment has been caused to the said rules by way of the Explosives (Amendment) Rules, 2026. The said amendment is reproduced hereunder for easy reference:

3. In the principal rules, in rule 86 after sub-rule (3) the following sub-rules shall be inserted, namely

"(4) Independent fireworks. The independent fireworks shop shall maintain a minimum clearance of three meters to open sky from any adjacent structure or b building.



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(5) Fireworks shop. The fireworks shop shall maintain a minimum clear distance of fifty meters from educational institution, hospital, medical diagnostic centre and religious place.

(6) Exceptions. The provisions of sub-rules (4) and (5) shall not apply to existing fireworks shops covered under licensed FORM LE-5.

(7) Safety requirements, Subject to the provisions of rule 112, the existing fireworks shops shall comply with the following safety requirements, namely:

i. the shop shall be equipped with two automatic fire detection and alarm system using conventional dual type detectors having combination of smoke and heat with an auto-dialler facility to alert the shop owner and to the nearest fire station, in the event of fire;

ii. the existing fireworks shop shall install a standalone automatic portable or gravity fed water sprinkler system for fire suppression, with minimum water storage capacity of 300 litres connected to a pump of minimum rating 2 Horsepower (HP);

iii. an alternate power supply or battery backup shall be provided for the standalone systems and in the case of existing fixed hydrant system, one tapping or extension shall be taken from such system;

iv. the centralised large electric panel shall be protected by an automatic tubing system used with gas-based clean agent, with a detection tube capable of fast sensing at 80-90 degree Celsius and instant activation;



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v. the walls, ceiling and doors of the shop shall be coated with fire-retardant paint or flameproofing material to achieve a fire rating of thirty minutes;

vi. the shop shall have concealed electrical wiring using spark-or-flame proof either fire survival cables or fire retardant low smoke type;

vii. the fireworks shop shall undergo an electrical audit annually, to be conducted by a certified qualified person or electrical inspector recognised by the Energy or Electrical Department of the concerned State:

viii. all the equipment's referred to in clauses (i) to (vii) shall conform to the relevant standards of the Bureau of Indian Standard."

4. The submission of Sri.D.R.Ravishankar, learned Senior Counsel is that in terms of the amendment which has been made to Rule 86, there are 4 clauses which have been added. Clause (4) now deals with independent fireworks; Clause (5) deals with fireworks shops; Clause (6) provides that sub-rules Clause (4) and (5) shall not be applicable to existing fire workshops covered in licence Form LE-5 and thus, he submits that the petitioner being existing fire workshop with LE5 licence, Clause (4) and (5) would not be applicable to the petitioner.
5. He however submits that the petitioner would comply with Rule 112 and the safety requirements under



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Clause (7) of Rule 86 as also the sub-clauses (i) to (viii) thereof within a period of 3 months in terms of the proviso to sub-Rule (3) of Rule 112.

6. The applicable rules having undergone a change and the petitioner being willing to comply with the amended rules, the reliefs which had been sought for earlier in actuality become academic, but however for practical purposes those communications would have to be quashed directing the petitioner to comply with the amended rules. Hence, this Court passes the following:

ORDER

- i) The Writ Petition is ***allowed.***
- ii) A certiorari is issued, Annexures-G and H are quashed.
- iii) There would be no requirement to direct the consideration of the representation at Annexure-K.
- iv) The submission of Sri.D.R.Ravishankar, learned senior counsel that compliance would be made to the amended rules within four weeks is placed on record.



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- v) Respondent No.1 is directed to carry out inspection as required under proviso to sub-Rule (3) of Rule 112 to ascertain compliances.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

PRS
List No.: 3 Sl No.: 4