



W.P.Nos.12979 of 2011
& 44160 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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W.P.No.12979 of 2011

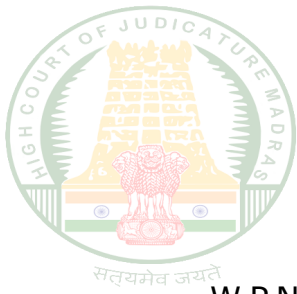
The Tamilnadu Fireworks and
Amorces Manufacturers Association
Rep. by its President
S.S.Vijayakumar
TANFAMA Centre
442, Kamarajar Road
Sivakasi-626 123.

Petitioner(s)

Vs

1. The Principal Secretary to Government
Labour And Employment
(M2) Department, Fort St.George
Chennai-9.
2. The Chief Inspector of Factories
Chepauk, Chennai-5.
3. The Deputy Chief Inspector of Factories
Sivakasi & Virudhunagar Circle
Sivakasi.

Respondent(s)



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M/s Simma Fireworks Factory
Rep. by its Managing Partner
Vignesh Kumar
Having Office at
No.74-A, Velayutham Road
Sivakasi-626 123.

Petitioner(s)

Vs

1. The Principal Secretary to Government
Labour And Employment
(M2) Department, Fort St.George
Chennai - 600 009.
2. The Chief Inspector of Factories
Chepauk, Chennai - 600 005.
3. The Deputy Chief Inspector of Factories
Sivakasi & Virudhunagar Circle
Sivakasi – 626 123.

Respondent(s)

Prayer : Petitions filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records relating to the impugned G.O.Ms.No.271 dated 23.12.2010 and the consequent notification dated 08.03.2011 on the file of 1st respondent herein and quash the same as illegal.

For Petitioner(s): Mr. R.Shunmugasundaram
Senior Counsel
For Ms. Shakeenaa.A.G. and
Ms. Geethika
(WP No.12979 of 2011)



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Mr.N.Muralikumaran
Senior Counsel
For M/s. McGan Law Firm
(WP No.44160 of 2025)

For Respondent(s): Mr. K.Kumaran
Government Pleader
(in both W.Ps.)

COMMON ORDER
(Order of the Court was made by
the Hon'ble Chief Justice)

Since the issue involved in both the writ petitions is identical,
we dispose of these petitions analogously by this common order.

2. Petitioners have filed the writ petitions challenging
G.O.Ms.No.271 dated 23.12.2010 issued by the Labour and
Employment Department, Tamil Nadu, as also the corresponding
notification dated 08.03.2011, wherein, the following amendment
was brought in.

“NOTIFICATION

*In exercise of the powers conferred by the proviso to clause
(cb) of section 2 of the Factories Act, 1948 (Central Act LXIII
of 1948), the Governor of Tamil Nadu hereby makes the*



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following amendment to First Schedule to the said Act.

AMENDMENT

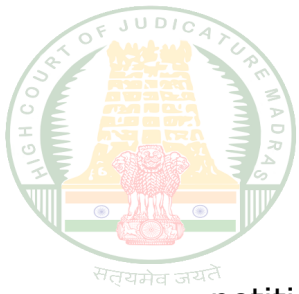
In the said Act, in the First Schedule, under the heading “17 Chemical Industries”, the expression “Explosives (including industrial explosives and detonators and fuses”, shall be varied as follows, namely:-

“Explosives including industrial explosives, explosives used for manufacture of fireworks, detonators and fuses”.”

3. Mr.R.Shunmugasundaram, learned Senior Counsel, submits that this amendment cannot be sustained, as, the State has no legislative competence since the Factories Act, 1948 is a Central enactment and only the Parliament has the powers to amend the Act.

4. Mr.Murali Kumaran, learned Senior Counsel, submits that this amendment can be brought only by way of framing the Rules under Section 87 of the Factories Act.

5. On the other hand, learned counsel for the State submits that G.O. has not been given effect to and therefore, the writ



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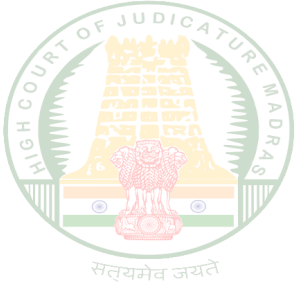
petitions are rendered infructuous. He further submits that in view of the promulgation of the Occupational Safety, Health and Working Conditions Code, 2020, the Factories Act, 1948 stands repealed.

6. As per Section 143(3) of the Code, any amendment brought shall be deemed to have been done or taken under the corresponding provisions of this Code and shall remain in force to the extent they are not contrary to the provisions of this Code till they are repealed by the Central Government. Further, in view of the fact that G.O. has not been brought into force, nothing survives in these writ petitions.

7. The writ petitions are dismissed as having rendered infructuous. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
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Index : Yes/No
Neutral Citation : Yes/No
kpl



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THE HON'BLE CHIEF JUSTICE
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