



W.P.No.10967 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

**THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN**

W.P.No.10967 of 2022

M/s.Shrisai Explosives,  
Rep. by its Partner B.Shankar,  
28-2/8, Nehru Street, Kuppanpalayam Post,  
Madathukuklam Taluk, Tirupur.

... Petitioner

Vs

1. The Additional District Executive Magistrate/  
District Revenue Officer,  
KaruppaGaundanpalayam,  
Tiruppur,  
Tamil Nadu – 641 604.

2. District Superintendent of Police,  
Angeripalayam Main Road,  
Tiruppur,  
Tamil Nadu – 641 603.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records of the first respondent relating to the impugned order made in Pa.Mu.No.15309/2021/E2 dated 03.11.2021 and quash the same and consequently direct the first respondent to issue the No Objection Certificate/License to the petitioner.



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For Petitioner : Mr.S.Karthikei Balan

Mr.S.J.Mohamed Sathik,  
Government Advocate

## **ORDER**

The Writ Petition has been filed against the order passed by the first respondent, thereby the request made by the petitioner seeking No Objection Certificate for setting up the explosive storage unit, was rejected.

2. The petitioner is a partnership firm and it has two partners. The petitioner submitted an application for the purpose of obtaining the license under Rule 101 of the Explosive Rules, 2008 (hereinafter referred to as 'the Rules' for short) by submitting requisite documents before the authority empowered to grant such license on 04.01.2018. The petitioner was granted license by order dated 04.01.2018. In the said order, it is clarified that the license approval is granted, provided that the petitioner obtains a “No Objection Certificate” from the District Authority. Therefore, the petitioner submitted another application before the first respondent to obtain “No Objection Certificate” as per Rule 103 of the Rules. In order to set up the



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storage facility to store and stock explosive as per the direction of the Joint Chief Controller of Explosives, the petitioner had applied for “No Objection Certificate” from the first respondent. In pursuant to the same, the Executive Officer, Sankaramanallur Municipality, vide communication dated 06.12.2018, clarified that the proposed premises in which the explosive storage unit is going to be set up, is an empty land and it was further clarified that the area surrounding the subject property is free from any neighborhood, graveyard or any water body. Thereafter, the said request was forwarded to the Fire and Rescue Services Department, Tirupur for recommendation and views. Accordingly, the said Department, by its communication dated 02.02.2018, recommended to set up the explosive storage unit subject to certain conditions. The Revenue Divisional Officer, Udumalpet by communication dated 19.02.2019, recommended that no harm would be caused in setting up the explosive storage unit in the subject property. It is also further clarified that there are no houses or water bodies surrounding the subject property of an extent of 1 km. However, the second respondent rejected the request made by the petitioner seeking No Objection Certificate, by communication dated 18.09.2019, on the ground that one of



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the partner of the petitioner, was already involved in few criminal cases and fine was also paid by him. Therefore, it was challenged before this Court in W.P.No.13706 of 2020. This Court, by order dated 24.08.2021, quashed the order passed by the second respondent therein and the matter was remitted back for fresh consideration to issue of “No Objection Certificate”. This Court, categorically stated that there was no proposal for setting up of the explosive storage unit in the proposed premises and recommended the authorities concerned for granting “No Objection Certificate”. This Court further categorically concluded that the offences committed by one of the petitioner's partner, are not related to the Explosives Act. That apart, there was no order of conviction or any bond being executed by the petitioner in connection with any offence and the petitioner has paid fines of Rs.500 and Rs.1,000/-, without facing the trial. Thereafter, the petitioner's case was considered afresh once again on the very same ground and the request made by the petitioner was rejected by the impugned order dated 03.11.2021.

3. On a perusal of the counter-affidavit filed by the first respondent and submissions made by the learned Government Advocate



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appearing for the respondents it is seen that one of the petitioner's partner is involved in several cases on the file of the Inspector of Police, Kumaralingam Police Station, in which he had paid fine amounts before the trial Court. Further, the crime was committed by the petitioner in respect of the years 2010, 2013, 2014 and 2015. Admittedly, those cases do not relate to the Explosives Act.

4. In view of the above, the impugned order cannot be sustained and it is liable to be set aside. Accordingly, the impugned order dated 03.11.2021 is hereby quashed. The first respondent is directed to issue “No Objection Certificate” to the petitioner to set up the storage unit for explosives in the subject property within a period of two weeks from the date of receipt of a copy of this order.

5. In the result, this Writ Petition is allowed. No costs.

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Index: Yes/No



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Neutral Citation/Yes/No

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To

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**G.K.ILANTHIRAIYAN, J.**

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