



W.P(MD)No.973 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.973 of 2020

and

W.M.P.(MD)Nos.2371 & 792 of 2020

K.Muthaih (died)

2.V.Vignesh Muthu Kumar

(This Court *suo motu* substituted

the 2nd petitioner in the place of the petitioner on 19.01.2024) ... Petitioner

Vs.

The Joint Director,
Industrial Safety and Health,
Sivakasi,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the respondent in his proceedings in No.E/159/2020, dated 10.01.2020 and quash the same and consequently, forbearing the respondent from interfering in any way with the manufacturing process of the petitioner's Jayalakshmi Fireworks in Survey No. 161 of Kothankulam Village, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : Mr.K.Seenu Ramachandran

For Respondents : Mr.M.Lingadurai
Special Government Pleader



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ORDER

Heard both sides.

2. The Jeyalakshmi Fire Works, Kothankulam Village in Rajapalayam Taluk has been licensed to manufacture the fire works. When inspection was conducted on 08.01.2020, it was noted that the wood burning stove was installed inside the factory premises for the purpose of making gum. It is obvious that having such a stove inside the factory premises is most unsafe. Therefore, the impugned order came to be passed. In fact, the impugned order only states that the petitioner shall not be permitted to run the unit till the appropriate safety measures are put in place. Challenging the impugned communication dated 10.01.2020, the present writ petition came to be filed.

3. This Court while entertaining the writ petition granted interim order of stay. On the strength of the interim order, the factory continues to run.

4. When the matter was taken up for final disposal, the learned Special Government Pleader on instructions submitted that the wood burn stove has since been removed. Be that as it may, I direct the respondent herein to conduct



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a fresh inspection. The respondent will find out if all the safety measures are properly in place. I am constrained to direct the first inspection because the learned Special Government Pleader informed the Court that a fire accident took place in the petitioner's unit in the year 2005 and there was as many as four casualties. If the inspection report of the respondent exonerates the petitioner, interim order earlier granted by this Court will become absolute. The petitioner can continue to run the factory. If the inspection report of the second respondent notices any shortcoming on the part of the petitioner, the petitioner will have to apply afresh. The petitioner of-course has to comply with the other usual formalities.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

19.01.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

The Joint Director,
Industrial Safety and Health,
Sivakasi,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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