



W.P(MD)Nos.21910 & 21911 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.21910 & 21911 of 2024

and

W.M.P(MD)Nos.18569 & 18565 of 2024

Pooranam Ramasamy Pytotech,
rep. by its Partner,
D.No.3/1233, Maharaja Nagar,
Paraipatti, Sattur Road,
Vishwanatham Panchayat,
Sivakasi – 626 189,
Virudhunagar District.

..Petitioner in both petitions

Vs

1.The District Revenue Officer,
Virudhunagar, Virudhunagar District.

2.The Revenue Divisional Officer,
Sattur, Virudhunagar District.

2.Gopal
4.B.Venkatesh

..Respondents in both petitions

Common 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 relating to impugned order in Mu.Mu.A1/6298/2023 and Mu.Mu.A1/6299/2023 dated 29/07/2024 of the 2nd respondent herein and quash the same and consequently direct the respondents 1 and 2 herein to LE 5 Licence at S.No.51/3C2A, D.No.4/324/135 and D.No.4/324/136



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Pattamputhur Village, Virudhunagar Taluk Virudhunagar District to the petitioner herein.

In both petitions:

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.D.Sasikumar
Addl. Govt. Pleader for RR1 & 2

Mr.I.Sudhakaran for R3

Mr.M.Murugan for R4

COMMON ORDER

These writ petitions are filed challenging the impugned orders of the second respondent dated 29.07.2024 made in Mu.Mu.A1/6298/2023 and Mu.Mu.A1/6299/2023, whereby the petitioner's application for grant of licence in Form LE-5 under the Explosives Rules, 2008 was rejected, and for a consequential direction to the official respondents to grant LE-5 licence in respect of the premises situated at S.No.51/3C2A, Door Nos.4/324/135 and 4/324/136, Pattamputhur Village, Virudhunagar Taluk, Virudhunagar District.

2. The petitioner purchased an extent of 18 cents of land in Survey No.51/3C2A, Pattamputhur Village, Virudhunagar Taluk, by a registered sale deed dated 05.08.2019 bearing Document No.4286 of 2019, pursuant to which patta was transferred in the petitioner's favour vide Patta No.1232.



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Thereafter, the third respondent instituted a civil suit in O.S.No.119 of 2019 on the file of the Sub Court, Virudhunagar, seeking declaration and recovery of possession. Though several interlocutory applications were filed therein, no interim orders have been granted. The fourth respondent has also filed O.S.No.175 of 2023 seeking bare injunction in respect of a larger extent. Both suits are pending. On 27.07.2023, the petitioner applied for grant of LE-5 licence under Rules 102 and 103 of the Explosives Rules, 2008, for possession and sale of 100 kg of fireworks and 500 kg of chorsa crackers and sparklers in the aforesaid premises. All required documents were enclosed and the prescribed licence fee was paid. The first respondent forwarded the application to the second respondent for joint inspection and report. Notices under Rule 103(3)(a) were issued and reports were called for from the Fire and Rescue Services and the Police Department. The Fire Department issued a No Objection Certificate and the Inspector of Police reported that there were no adverse antecedents against the petitioner. However, by the impugned proceedings dated 29.07.2024, the second respondent rejected the application solely on the ground that a civil suit in O.S.No.119 of 2019 is pending in respect of Survey No.51/3C2A.

3. The learned counsel for the petitioner submitted that mere pendency of a civil suit cannot constitute a valid ground to reject the licence application, especially in the absence of any interim order restraining the petitioner from possession or enjoyment of the property. It was further



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contended that the nature of the suit, being one for declaration and recovery of possession, itself implies acknowledgment of the petitioner's possession.

4. Per contra, the learned counsel for the third respondent contended that the petitioner is not in lawful possession of the property and that grant of a fireworks licence would pose serious danger to neighbouring agricultural lands and a densely populated residential area. Reliance was also placed on Section 52 of the Transfer of Property Act to contend that the status quo must be maintained during the pendency of the suit.

5. The issue that arises for consideration is whether the second respondent was justified in rejecting the petitioner's application for LE-5 licence solely on the ground of pendency of a civil suit relating to the property.

6. Rule 103(3) of the Explosives Rules, 2008 obligates the licensing authority to verify, *inter alia*, the antecedents of the applicant, lawful possession of the site, genuineness of the purpose, and public interest.

7. In the present case, the petitioner holds a registered sale deed and patta in his name. The civil suit in O.S.No.119 of 2019 is one for declaration and recovery of possession and, admittedly, there is no interim order operating against the petitioner. Pendency of a civil suit, by itself, does not



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negate lawful possession, particularly when the relief sought in the suit is recovery of possession.

8. A perusal of the impugned orders reveals that the licence application was rejected solely on the ground of pendency of the civil suit. Other relevant considerations such as public safety, proximity to residential areas, the agricultural nature of surrounding lands, or compliance with safety norms under the Explosives Rules have not been examined by the licensing authority. Though the concerns raised by the third respondent regarding safety and public interest are undoubtedly relevant, those aspects do not find place in the impugned orders. It is well settled that an administrative order must stand or fall on the reasons recorded therein and cannot be sustained on grounds subsequently urged in a counter affidavit. Accordingly, this Court finds that the impugned orders suffer from non-application of mind and failure to consider the relevant statutory parameters.

9. In view of the above, these writ petitions are allowed and the impugned orders dated 29.07.2024 made in Mu.Mu.A1/6298/2023 and Mu.Mu.A1/6299/2023 are set aside. The matters are remitted to the second respondent for fresh consideration. The second respondent shall consider the petitioner's application afresh, taking into account all relevant factors under the Explosives Rules, 2008, including public safety concerns, after



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affording an opportunity of hearing to the petitioner as well as the objectors.

The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

10.11.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

1.The District Revenue Officer,
Virudhunagar, Virudhunagar District.

2.The Revenue Divisional Officer,
Sattur, Virudhunagar District.



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P.T.ASHA, J.

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