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WP(MD).Nos.22824 and 22827 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2025

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

WP(MD) Nos.22824 and 22827 of 2025

1.M/s.Om Sakthi Fireworks
Represented by its partner
Mr. K. Thangavel
S/o. K. Kaliappan
No. 2/160, Sengamalapatti
Alamarathupatti
Thiruthangal Post
Sivakasi-626 123.

...Petitioner in both petitions

Vs

1.Government of India,
Ministry of Commerce and Industry
Petroleum and Explosives Safety Organisation
(Formerly Department of Explosives)
A and D – Wing, Block 1-8, IInd Floor, Shastri Bhavan
26 Haddous Road, Nungambakkam
Chennai-600 008.

2.The Joint Chief Controller of Explosives
South Circle
The Petroleum and Explosives Safety Organisation (PESO)
(Formerly -Department of Explosives)
26, Haddows Rd, Subba Road Avenue, Nungambakkam
Chennai-600 006.

3.The Deputy Chief Controller of Explosives
The Petroleum and Explosives Safety Organisation (PESO)
(Formerly Department of Explosives)
FRDC Complex, Near ESI Hospital
Sivakasi626 124.



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4. The Controller of Explosives
The Petroleum and Explosives Safety Organisation (PESO)
(Formerly Department of Explosives)
FRDC Complex, Near ESI Hospital
Sivakasi 626 124.

.....Respondents in both petitions

Prayer in WP(MD).No.22824 of 2025: Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, or any other appropriated Writ, Order or Direction as may be necessary calling for the records of the Impugned Order being the proceedings of the 3rd respondent, the Deputy Chief Controller of Explosives dated 27.06.2023 in bearing no. E/SC/TN/21/262(E8016) and the consequential order of 3rd respondent dated 07.12.2023 in E/SC/TN/21/262(E8016) and the consequential order of confirmation passed by the 2nd respondent, the Joint Chief Controller of Explosives in E/SC/TN/21/262(E8016) dated 30.10.2024 and quash the same as being illegal, unconstitutional, contrary to the law and violative of principles of natural justice and consequently, to direct the 3rd respondent to approve the nomination of Mr. K. Thangavel as the occupier of petitioner firm for the purpose of license and regrant the license in favour of the petitioner and pass such other or further order(s) and/or direction(s) as this Honble Court deem fit and proper in the facts circumstances of this case and thus render justice.

Prayer in WP(MD).No.22827 of 2025: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriated Writ, Order or Direction as may be necessary calling for the records of the Impugned Order being the proceedings of the 3rd respondent, the Deputy Chief Controller of Explosives



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dated 05.02.2021 in bearing no. E/SC/TN/20/117(E12030) and the consequential order of 3rd respondent dated 07.12.2023 in E/SC/TN/20/117(E12030) and the consequential order of the 3rd respondent dated 02.02.2024 in E/SC/TN/20/117(E12030) and the consequential order of the 3rd respondent dated 17.10.2024 in E/SC/TN/20/117(E12030) and the consequential order of confirmation passed by the 2nd respondent, the Joint Chief Controller of Explosives in E/SC/TN/20/117(E12030) dated 30.10.2024 and quash the same as being illegal, unconstitutional, contrary to the law and violative of principles of natural justice and consequently, to direct the 3rd respondent to approve the nomination of Mr. K.Thangavel as the occupier of petitioner firm for the purpose of license and regrant the license in favour of the petitioner and pass any such other further order(s) and/or direction(s) as this Hon'ble Court deems fit and proper in the facts and circumstances of this case and thus render justice.

(Prayers are amended vide court order dated 24.11.2025)

(In both petitions)

For Petitioner : Mr.V.Abilash Shankar

For Respondents : Mr.G.Vishnuram

COMMON ORDER

The present writ petitions have been filed by the original licence holder under LE-1 and LE-3 under Explosive Rules, 1983 challenging the two orders passed by the respondents on 27.06.2023 and the consequential order dated 30.10.2024 wherein the explosive licence of the writ petitioner firm has been cancelled.



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2.Originally the explosive licence under LE-1 and LE-2 was granted in favour of the partnership firm by name M/s.Om Sakthi Fireworks in which one K.Kaliappan and K.Avudaithai were partners. The partnership firm was created in the year 1991 and the licence was granted on 11.02.1996. On 15.07.2020, two new partners were inducted into the firm who are son and daughter-in-law of the original partners. Though the induction to the partnership deed was registered before the Registrar of the firm, it was not brought to the notice of the respondents herein.

3.One of the partners namely Kaliappan had passed away on 24.12.2020 and the firm was reconstituted on 19.01.2021 with three partners excluding the deceased Kaliappan. Even this reconstitution was not brought to the notice of the respondent authorities.

4.On 05.02.2021, the respondents have reclassified the nature of the ownership from that of the partnership firm to the proprietorship firm primarily on the ground that out of two original partners namely Kaliappan and Avudaithai, only K.Avudaithai is alive. This reclassification order has also not been put to challenge.

5.On 13.12.2022, the original partner namely K.Avudaithai had passed away. On 30.10.2024, both the impugned orders have been passed cancelling LE-1 and LE-3 licence on the sole ground that the original licensee had



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passed away. These two orders are put to challenge in the present writ petitions.

6. According to the learned counsel appearing for the writ petitioner, though the induction of new partners on 15.07.2020 or reconstitution of the firm on 19.01.2023 were not brought to the notice of the authorities, they would not in any way vitiate the licence granted in favour of the petitioner firm. According to him, Rule 111 of Explosives Rules, 2008 is directory in nature and unless it is interpreted as mandatory in nature, the authorities cannot cancel the licence on the ground that the licensee had passed away.

7. According to the learned counsel, the son, daughter-in-law, Kaliappan and Avudaithai are valid partners of the firm. Therefore, when other licencees are alive, the authorities cannot cancel the licence on the ground that the licensee had passed away.

8. Per contra, the learned counsel appearing for the respondents had filed a counter and contended that as per Rule 111 of the Explosives Rules, any induction of new partner or reconstitution of the firm has to be mandatorily informed to the authorities so that the name of the licensee could be altered or amended accordingly. In the present case, though reconstitution of the firm has taken place on 15.07.2020 and on 19.01.2021, both of them were not brought to the notice of the respondents. In fact, the petitioner has to make an application and they should get antecedent verification certificate



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from the concerned officials for incorporating their names as licensee on basis of the reconstitution of the firm. Therefore, when the licence are cancelled under the impugned order on 30.10.2024, none of the original licensees were alive. Therefore, the order impugned in the writ petitions may be sustained.

9.Heard both sides and perused the material records.

10.The facts narrated above are not in dispute. As per Rule 111 of the Explosives Rules, as and when reconstitution of the firm which has been granted a licence under Explosives Rules takes place, the certificate of verification of antecedents from the District Magistrate has to be enclosed by way of an application to the authority seeking to include the new partners as licensee. Since the verification of antecedents is there, Rule 111 of Explosives Rules cannot be considered to be directory. In such circumstances, the contention of the learned counsel for the writ petitioner, cannot be countenanced.

11.Rule 123 of Explosives Rules dealing with the procedure on death or disability of the licensee clearly points out that from the date of death of the licensee, the licence get cancelled. Therefore, there is no possibility under the said Rule for transfer of licence in the name of the newly inducted person



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or the legal heirs of the deceased person.

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12.In such view of the matter, the orders impugned in the writ petitions cannot be found fault with. There are no merits in the writ petitions. The writ petitions stand dismissed. However, the petitioner is entitled to make a fresh application seeking licence, if he is so advised. No costs.

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Internet : Yes/No
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