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WMP(MD) NO. 23984 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13-10-2025

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THE HONOURABLE MS. JUSTICE P.T. ASHA

WMP(MD) NO. 23984 of 2024

IN

WP(MD) NO. 24220 OF 2024

S.Chandramohan

S/o.Seenivasagam, No.4/681B, Kamarajapuram Colony,  
Sivakasi East, Virudhunagar District.

Petitioner(s)

Vs

The Joint Chief Controller of Explosives  
Petroleum and Explosives Safety Organisation, South Circle  
2nd Floor, Shastri Bhavan, Haddows Road, Nungambakkam,  
Chennai. and another

Respondent(s)

**For Petitioner(s):**

Mr.D.Venkatesh

**For Respondent(s):**

Mr.B.Rajesh Saravanan, CGST for R1 & R2

Mr.S.Surya, For R3

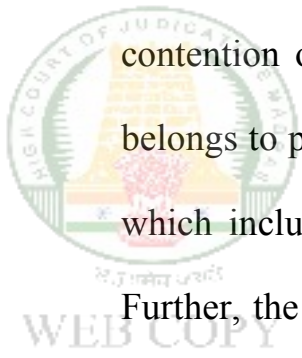
**Prayer:**

To implead the petitioner as 3<sup>rd</sup> respondent in the writ petition in W.P.(MD).No. 24220 of 2024 pending before this Honourable Court and thus render justice.

### **ORDER**

The above application has been filed to implead the petitioner as the 3<sup>rd</sup> respondent in the above writ petition.

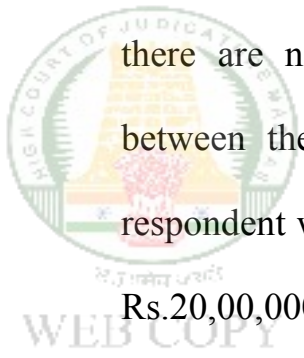
2. The contention of the petitioner is that the writ petitioner who has been arrayed as the 3<sup>rd</sup> respondent in this petition had filed a writ petition to quash the order of the 2<sup>nd</sup> respondent dated 27.06.2024 and to direct the 2<sup>nd</sup> respondent to permit the 3<sup>rd</sup> respondent to continue the licensed activity in the manufacturing unit in various survey numbers of Kalaiyarkurichi Village, Virudhunagar District. The



contention of the petitioner is that the 3<sup>rd</sup> respondent is a partnership firm which belongs to petitioner's Hindu undivided family consisting of 3 brothers and 2 sisters which includes the petitioner and one of the partners of the 3<sup>rd</sup> respondent firm.

Further, the petitioner would submit that a suit O.S.No.149 of 2023 had been filed by the other brother Pownraj and the sisters for partition and separate possession of the Hindu undivided family properties which includes the movable and immovable assets of the 3<sup>rd</sup> respondent. The said suit is pending on the file of the Principal District Court, Virudhunagar District. That apart, it is the contention of the petitioner that the 3<sup>rd</sup> respondent is using Barium Nitrate for the manufacture of sparkles which is a prohibited item. The petitioner would submit that the use of such prohibited items by the firm which belongs to the Hindu undivided family which is being run by the 3<sup>rd</sup> respondent as Kartha, would harm the reputation of the Hindu undivided family. These facts have been suppressed in the main writ petition. Therefore, the petitioner has come forward with the impleading petition in question.

3. The 3<sup>rd</sup> respondent / writ petitioner has filed a counter affidavit *inter alia* contending that business does not belong to the Hindu undivided family, but the business belongs to the partnership consisting of himself and his wife. The writ petitioner would submit that the present impleading petition has been instigated only by the other brother Pownraj who has made several complaints against the 3<sup>rd</sup> respondent. The writ petitioner / 3<sup>rd</sup> respondent herein would submit that the suit has been filed intentionally by the brothers of the partner of the 3<sup>rd</sup> respondent with the sole intention of unlawfully acquiring the the 3<sup>rd</sup> respondent's self acquired property. The 3<sup>rd</sup> respondent would submit that the business as well as the properties are all his individual properties and are not joint family properties. He would submit that



there are no parental, ancestral or Hindu joint family properties in exist between the petitioner and the 3<sup>rd</sup> respondent and the other siblings. The 3<sup>rd</sup> respondent would further submit that the petitioner herein has misappropriated over Rs.20,00,000/- of another company, namely Surya Chemicals. He would submit that his siblings are joining together to somehow take away the property belonging to the 3<sup>rd</sup> respondent. He would submit that since the 3<sup>rd</sup> respondent does not belong to the Hindu undivided family and is a partnership consisting of the 3<sup>rd</sup> respondent and his wife, the petitioner is neither a proper nor a necessary party to the proceedings.

4. Heard the learned counsels on either side.

5. The suit has been filed claiming that the properties including the 3<sup>rd</sup> respondent's are Hindu undivided family properties. The 3<sup>rd</sup> respondent's defense is that the properties are all his self acquired properties and there has been no ancestral nucleus or any other contributions. That apart, even when the partnership was commenced, it was only the petitioner and a third person, who were partners of the firm and on the retirement of this third party, the firm had been reconstituted with the wife of the deponent to the affidavit being inducted as a partner. Though the petitioner who is seeking to implead himself would submit that the business is being run by the 3<sup>rd</sup> respondent as well as the other brother Pownraj, there was no explanation as to why the said Pownraj had not been made a partner. Be that as it may, the rights of the proposed party would fructify only in the event of their succeeding in the suit as the documents stand in the name of the writ petitioner.



6. Therefore, since the proposed party is neither a proper nor a necessary party to the proceedings, this Miscellaneous Petition is dismissed.

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13-10-2025

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To

1. The Joint Chief Controller of Explosives  
Petroleum and Explosives Safety Organisation,  
South Circle 2nd Floor,  
Shastri Bhavan, Haddows Road,  
Nungambakkam,  
Chennai.

2. The Deputy Chief Controller of Explosives,  
Petroleum and Explosives Safety Organisation,  
FRDC Complex,  
Near ESI Hospital,  
Sivakasi West,  
Virudhunagar District.

3. M/s.Kannan Sparklers  
Represented Thro its one of the Partner S. Karmegachamy, D/No. 2/77,  
Kalaiyarkuruchhi Village, M.Pudupatti Post, Virudhunagar District 626 130.