



W.P(MD)No.30671 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.30671 of 2025

M/s. Sunshine Fireworks Factory,
Rep by its Partner,
VG.Ganesan, S/o. Gurusamy Thevar,
No.55-T, Velayutham Road, Lic Backside,
Sivakasi - 626 189,
Virudhunagar District.

..Petitioner

Vs

- 1.The Deputy Chief Controller of Explosives,
FRDC Complex, Near ESI Hospital,
Sivakasi West - 626 124,
Virudhunagar District.
- 2.The Joint Chief Controller of Explosives,
Petroleum and Explosives Safety Organisation (Peso),
5th Floor, A-Block, CGO Cmplx,
Seminary Hills,
Nagpur-440 006.
- 3.The District Revenue Officer
Virudhunagar District,
Virudhunagar - 626 002.
- 4.The Tahsildar
Sivakasi Taluk,
Sivakasi - 626 124,
Virudhunagar District.

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus directing the respondents 1 and 2 to process the application of the petitioner in Application Nos. 139191, 139194, 139196 and 139197 dated 13.01.2025 within a time frame without insisting on the surrender of erstwhile license held by M/s. Sun Fireworks Factory.

For Petitioner : Mr.A.V.Arun

For Respondents : Mrs.D.Farjana Ghoushia
Spl. Govt. Pleader (For R1 to R4)

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 1 and 2 to process the petitioner's applications in Application Nos. 139191, 139194, 139196 and 139197 dated 13.01.2025, within a time frame to be stipulated by this Court, without insisting upon the surrender of the erstwhile licence held by M/s. Sun Fireworks Factory.

2. The learned counsel for the petitioner submits that the licence is still in force and that the only document required by the respondents is proof of possession having been taken from the original owner. He draws attention to the order passed in SARFAESI Application No. 277 of 2021 dated 27.06.2023, wherein the Tribunal has observed as follows:



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“15. The sale held by the bank and the auction purchaser is also sold the property to the subsequent purchaser and the subsequent purchaser being in enjoyment and in possession of the property, the Tribunal finds no illegality/irregularity so as to warrant interference and to set aside the sale. Therefore, the SA filed by the Applicants are liable to be dismissed by this Tribunal.”

3. The learned counsel further submits that the sale certificate dated 18.02.2021 clearly records that possession of the property was handed over to the auction purchaser by the bank, and this fact stands affirmed by the Tribunal. Therefore, the apprehension expressed by the respondents regarding proof of possession is unfounded.

4. In the light of the above, the respondents 1 and 2 are directed to process the petitioner's applications dated 13.01.2025 within a period of two months from the date of receipt of a copy of this order, without insisting upon the surrender of the erstwhile licence held by M/s. Sun Fireworks Factory.

5. This writ petition is allowed accordingly. No costs.

20.11.2025

NCC : Yes/No
Index : Yes/No



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Internet:Yes
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P.T.ASHA, J.

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