



WP(MD). No.31017 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 06/02/2025

CORAM

The Hon`ble Mr.Justice V.LAKSHMINARAYANAN

**WP(MD). No.31017 of 2024 and
WMP(MD) No.26054 of 2024**

1. V.Vijayalakshmi,
2. B.Vanathai,
3. Muthulakshmi @ Muthuselvi,
4. V.Kadalmani,
5. N.Guruvuthai,
6. S.Malaiyandi,
7. S.Azhagammal,
8. T.Lakshmithai,
9. Muniyammal,
10. S.Chinnaayyanar,
11. G.Ramalakshmi,
12. S.Shermathai,
13. N.Guruvammal,



WP(MD). No.31017 of 2024

14. S.Sermakani,
15. M.Mariyammal,
16. K.Mariyappan,
17. M.Subbuthai,
18. G.Muthuselvi,
19. S.Velusamy,
20. A.Velammal,
21. T.Kuruvammal,
22. A.Mariyappan,
23. A.Sankareswari,
24. P.Ponlakshmi,
25. V.Subbuthai,
26. P.Vijayalakshmi,
27. B.Veerammal,
28. J.Pathrakali,
29. M.Mareeswari,
30. C.Vinothini,
31. C.Subbuthai,
32. Chinna Parvathi,



WP(MD). No.31017 of 2024

33. K.Subbulakshmi

... Petitioners

WEB COPY

Vs

1. The State of Tamilnadu,
Represented by Additional Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai 600009..

2. The Chief Controller of Expl,
Osives, Petroleum and Explosives Safety Organisation (Peso),
A Block, 5th Floor,
Complex, Seminary Hall,
Nagpur 440 006..

3. The Joint Chief Controller of Explosives,
South Zone, Shastri Bhavan,
Nungambakkam,
Chennai 34..

4. The District Collector,
O/o. the District Collector,
Virudhunagar,
Virudhunagar District..

5. The Deputy Chief Controller
Of Explosives,,
Petroleum and Explosives Safety Organisation (Peso),
Frdc Complex,
Sivakasi West,
Virudhunagar District 626 124..

6. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Sattur Taluk, Virudhunagar,
Virudhunagar District..



WP(MD). No.31017 of 2024

7. K.V.Kanthasamy,
Proprietor of Thirumurugan Fireworks,
Sindapalli Village,
Venkatachalapuram Post,
Sattur,
Virudhunagar District 626 203..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents Nos.1 and 4 to pay adequate compensation to the petitioners and to direct the respondent nos 2 to 6 to take necessary action against the respondent no 7 based on petitioner's representations dated 3/10/2024 within a stipulated time.

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Shaji Bino for R1&R4
Special Government Pleader
Mr.K.Govindarajan for R2,R3&R5
Deputy Solicitor General
Mr.T.Gnanasekaran for R6
Government Advocate
Mr.Mahaboob Athiff for R7 for
Mr.E.Mareeshkumar

ORDER

The petitioners are 33 in number. All of them belong to the lowest strata of the society both financially as well as socially. They are residents of Keela Ottampatti Village in Virudhunagar District. The land



WP(MD). No.31017 of 2024

over which they have constructed their houses belonged to the State of Tamil Nadu. The State, taking into consideration that they are members of Scheduled Caste community, allotted free plots to an extent of 3 cents to each of them.

2. Abetting their property, the 7th respondent was running a fire works unit under the name and style of M/s.Thirumurugan Fire works.

3. It is not in dispute that on 28.09.2024 at around 6.40 a.m., a huge explosion occurred in the warehouse belonging to the 7th respondent. On account of the explosion, the properties, in which the petitioners were residing, were damaged. They made a representation to the respondents 1 and 4 seeking damages and compensation. As no action was forthcoming, they have come forward with the present writ petition.

4. Apart from seeking compensation, they also seek directions from this Court to the respondents 2 and 6 to initiate action against the 7th respondent.



WP(MD). No.31017 of 2024

WEB COPY

5. When the matter came up before me on 03.02.2025, Mr.Shaji Bino, took notice for the respondents 1 and 4, Mr.E.Mareeshkumar appeared for the 7th respondent. Mr.K.Govindarajan, took notice for the respondents 2, 3 and 5 and Mr.K.Gnanasekaran, took notice for the 6th respondent.

6. I adjourned the matter to today to enable the learned Special Government Pleader to come up with instructions. The learned Special Government Pleader has obtained a report from the District Collector/4th respondent in his proceedings in Na.Ka. No.4/2564/2024 dated 04.02.2025. The report discloses that all the petitioners have suffered damages on account of the explosion that took place on 28.09.2024. The report also points out that the following persons had suffered serious damages to their property and hence, immediate rectification measures were taken invoking “Repair to Rural Housing Scheme” to an extent of Rs.50,000/-.



WP(MD). No.31017 of 2024

Sl.No	Name	Rank
1	Muniyammal W/o.ChinnaMayileri, New Colony, Keela Ottampatti	9
2	Guruvammal, W/o.Nagamani New Colony, Keela Ottampatti	13
3	Sermathai, W/o.Santhanamariyappan New Colony, Keela Ottampatti	12
4	Velammal, W/o.Iyyanar New Colony, Keela Ottampatti	20
5	Guruvammal, W/o.Thavasi New Colony, Keela Ottampatti	21
6	Ponnulakshmi, W/o.Pitchai New Colony, Keela Ottampatti	24
7	Subbuthai, W/o.Chinnaveeran New Colony, Keela Ottampatti	31
8	Mareeswari, W/o.Mayilraj New Colony, Keela Ottampatti	29

The report also points out that the remaining 25 persons have suffered damages. To that effect, an assessment was made by the Revenue Divisional Officer at Sattur.

7. Mr.Mahaboob Athiff representing Mr.E.Mareeskumar states that whatever assessment has been made by the Revenue Divisional Officer and communicated to him by the learned Special Government Pleader, through the report of the District Collector, shall be made good by the 7th respondent directly to the District Collector. He states that the assessed



WP(MD). No.31017 of 2024

amount will be paid by 10.02.2025.

WEB COPY

8.. The learned Deputy Solicitor General appearing for the respondents 2,3 and 5 states that without any delay, the Government of India through the Petroleum and Explosives Safety Association (PESO) had initiated proceedings on 28.09.2024 in E/HQ/TN/20/1175(E42498) against the 7th respondent. In terms of those proceedings invoking Section 6(E) of the Explosives Act, 1884 and Rule 118(5) of the Explosives Rules 2008, the license granted to the 7th respondent has been suspended with immediate effect. He further states that a show cause notice has been given to the 7th respondent as to why the license granted to him should not be cancelled. Mr.Govindarajan states that on receipt of the reply from the 7th respondent, appropriate action will be taken by the Petroleum and Explosives Safety Association. He states that on 23.12.2024, PESO has recommended to the District Collector/licensing authority to initiate proceedings for cancellation.

9. Mr.K.Gnanasekaran appearing for the 6th respondent states that an FIR has been registered on the very same day in Crime No.296/2024



WP(MD). No.31017 of 2024

and the same is pending investigation. He states that the police are awaiting the lab report and they will file a charge sheet within a period of one month.

10. I have carefully considered the submissions of Mr.T.Lajapathi Roy, appearing for Mr.S.Lenin Prabu, for the petitioners and the other counsels.

11. In matters of assessment of damages, unless and until this Court has uncontroverted record, it would be safe to proceed on the basis of the assessment already carried out by the jurisdictional authority. The report of the District Collector shows that formal assessment has been made by the Revenue Divisional Officer, Sattur. In fact, implementation of the report of the Revenue Divisional Officer, Sattur has commenced and compensation for the damages that have been suffered by the 8 persons had been remitted by invoking the Repair to Rural Housing scheme.



WP(MD). No.31017 of 2024

12. Insofar as the other 25 persons are concerned, the Revenue Divisional Officer's report, the tabular column which has been enclosed by the District Collector, shows that varying sums as damages payable to them. The statement of Mr.Mahaboob Athiff that this amount will be paid by the 7th respondent to the 4th respondent District Collector is recorded. The amount paid by the 7th respondent does not mean it is an admission of guilt by the 7th respondent. He will be entitled to take all such defences including the defence that he is not responsible for the accident.

13. On receipt of this amount from the 7th respondent, the 4th respondent shall release the amount forthwith after verifying the identity of the persons, who are making claim. With respect to the mandamus portion of the writ petition, as the Petroleum and Explosives Safety Association has already initiated action for cancellation of the no objection certificate, suffice it to direct the 4th respondent to take a call on the cancellation of the license in accordance with law.



WP(MD). No.31017 of 2024

14. The statement of Mr.K.Gnanasekaran that the police shall file charge sheet within one month from the date of receipt of the lab report is also recorded.

15. It is open to the petitioners to approach this Court in case the time line that has been fixed in this order are violated. Needless to add, I have only gone on the basis of the report of the District Revenue Officer in directing the release of damages. It is open to the 33 petitioners including the eight, who have benefitted under the Repair to Rural Housing scheme, to approach the jurisdictional civil Court making a claim for damages against all those responsible for the accident including the 7th respondent. In such an event, all the parties concerned are at liberty to work out their rights in accordance with law.

16. With the above observations, the writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

06.02.2025

NCC : Yes/No
Index : Yes/No

RR

11/13



WP(MD). No.31017 of 2024

TO

1. The Additional Chief Secretary,
Secretariat, Fort St. George,
Chennai 600009..

2. The Chief Controller of Explosives,
Petroleum and Explosives Safety Organisation (Peso),
A Block, 5th Floor,
Complex, Seminary Hall,
Nagpur 440 006..

3. The Joint Chief Controller of Explosives,
South Zone, Shastri Bhavan,
Nungambakkam,
Chennai 34..

4. The District Collector,
O/o. the District Collector,
Virudhunagar,
Virudhunagar District..

5. The Deputy Chief Controller of Explosives,,
Petroleum and Explosives Safety Organisation (Peso),
Frdc Complex,
Sivakasi West,
Virudhunagar District 626 124..

6. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Sattur Taluk, Virudhunagar,
Virudhunagar District..



WEB COPY



WP(MD). No.31017 of 2024

V.LAKSHMINARAYANAN, J

RR

**ORDER
IN
WP(MD) No.31017 of 2024**

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