

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 12986 of 2025****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

Approved for Reporting	Yes	No
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SANJAYBHAI VINUBHAI PATEL & ORS.

Versus

UNION OF INDIA & ORS.

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Appearance:

MR MANOJ N POPAT(671) for the Petitioner(s) No. 1,2,3,4

MR ADITYA DAVDA AGP for the Respondent(s) No. 3,4

MRS KRISHNA G RAWAL(1315) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

Date : 13/03/2026

JUDGMENT

[1] RULE returnable forthwith. Learned counsel waives service of notice of rule on behalf of the respective respondents.

[2] Present petition under Article 226 of the Constitution of India and under the provisions of the Explosive Act and Explosive Rules is filed by the petitioners with the following reliefs:-

1. *Your Lordship may be pleased to Admit the present Special Civil Application;*
2. *Your Lordships may be pleased to issue a direction to the respondents to decide the petitioners' application*

within a period of one week on the basis of various opinions received from the authorities as required by law;

3. *Your Lordships may be pleased to issue an appropriate writ, order or direction, quashing and setting aside the SOP dated 21.08.2025 issued by the Government of Gujarat;*
4. *Your Lordships may be pleased to issue an appropriate writ, order or direction during the pendency of the present writ petition, Your Lordship may be pleased to direct the respondents to issue a temporary licence to the petitioners;*
5. *Pass any other order or direction that this Hon'ble Court may deem just, fit and proper in the interest of justice;*

[3] Brief facts of the present case are that the petitioner are doing traditional business of manufacturing fireworks and the petitioners had applied in 2024 - 2025 by filing Form LE - 1 with prescribed fees along with approval including Fire Safety NOC and NA Permission. It is the case of the petitioners that the Collector issued fresh guidelines on 21.08.2025 with additional conditions, pending application which is contrary to law. It is also the case of the petitioners that the Central Government has the power under Section 5 of the Explosives Act to frame the Rules and, therefore, the guidelines issued by the District Magistrate are without jurisdiction and the same is illegal and unjust. It is the case of the petitioners that the Collector / District Magistrate has no authority to frame regulations regarding grant of licences and the power to make Rules and prescribe conditions flows exclusively from the Explosives Act which vests the rule making power in the Central Government and from the Explosives Rules framed thereunder.

[4] Being aggrieved with inaction on the part of the respondents,

the present petition is filed.

[5] Heard learned counsel for the respective parties and considered the averments made in the petition and the submissions canvassed on behalf of both the sides and perused the material placed on record. It appears that the petitioners engaged in the business of manufacture of fireworks for several years and some members of the family having licenced manufacturers holding licences under the Explosive Rules and the petitioners applied for licence in Form LE-1 in the year 2024 - 2025 for manufacture of fireworks accompanied with the prescribed fees. It is the contention on the part of the petitioners that the guidelines dated 21.08.2025 are ultra vires, without jurisdiction and cannot be pressed into service to deny or delay the petitioners' application.

[6] Considering the facts and circumstances of the case and the material placed on record, I am of the view that let the petitioner may prefer fresh representation before the concerned authority and the same shall be decided by the authority as early as possible.

[7] In view of the above, the present petition is disposed of with a direction to the petitioner to prefer fresh representation before respondent No.2 within a period of two weeks from today. The respondent No.2 shall decide the representation in accordance with law as expeditiously as possible preferably within a period of six weeks from the date of receipt of the representation after giving proper opportunity of hearing and to lead the evidence to the petitioner. Rule is made absolute to the aforesaid extent.

(HEMANT M. PRACHCHAK,J)

V.R. PANCHAL

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: VIJAYKUMAR RAMESHBHAI PANCHAL(HC00171), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 13/03/2026 16:56:17