APHC010587172026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3504]**
(Special Original Jurisdiction)

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 32231/2026

Between:

1. ATKURI GOPALA KRISHNA, S/O.VENKATA RAO, AGED ABOUT 47 YEARS, RESIDING AT CHAGALLU VILLAGE AND MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH.
2. THE DIRECTOR GENERAL, STATE DISASTER RESPONSE AND FIRE SERVICES, ANDHRA PRADESH, VIJAYAWADA.
3. THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT, ANDHRA PRADESH.
4. THE DISTRICT DISASTER RESPONSE AND FIRE OFFICER, RAJAMAHENDRAVARAM,EAST GODAVARI DISTRICT, ANDHRA PRADESH.
5. THE REVENUE DIVISIONAL OFFICER, KOWURU DIVISION,EAST GODAVARI DISTRICT, ANDHRA PRADESH.
6. THE SUPERINTENDENT OF POLICE, RAJAMAHENDRAVARAM,EAST GODAVARI DISTRICT, ANDHRA PRADESH.

7. THE DEPUTY SUPERINTENDENT OF POLICE, RAJAMAHENDRAVARAM,EAST GODAVARI DISTRICT, ANDHRA PRADESH.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondents more particularly the Respondent Nos 3 to 5 in not renewing the Licence No022024KVR after the paying the valid considerations to the respondent nos 3 and 4 made for renewal dated 23012026 and 08042026 vide APTC FORM10 Challan No 91332622592025 and 11007962832026 and placing the Petitioners valid Fire No Objection Certificate issued to the Petitioners LE1 Fire Crackers Manufacturing Unit in kept pending as illegal arbitrary unreasonable violative of Articles 14 191g and 21 of the Constitution of India contrary to the provisions of the Explosives Act 1884 and the Explosives Rules 2008 and Opposed to the principles of natural justice and consequently direct the Respondents to consider the Petitioners application for renewal of the Fire No Objection Certificate and grant licences without reference to the impugned proceedings and pass

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the respondents to give the permissions to carry out the Petitioner's manufacturing business in view of the upcoming Festival season insofar as the Petitioner is concerned, and other consequential statutory permissions/licences, in accordance with law, and pass

Counsel for the Petitioner:

1. M RAVINDRA

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR REVENUE

The Court made the following order:

Instant writ petition has been filed under Article 226 of the Constitution of India, seeking the following relief:

> *"to issue an appropriate Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondents more particularly the Respondent Nos.3 to 5 in not renewing the Licence No.02/2024/KVR after the paying the valid considerations to the respondent nos.3 and 4 made for renewal, dated 23.01.2026 and 08.04.2026 vide APTC FORM-10 Challan No.91332622592025 and 11007962832026 and placing the Petitioner's valid Fire No Objection Certificate issued to the Petitioner's LE-1 Fire Crackers Manufacturing Unit in kept pending, as illegal, arbitrary, unreasonable, violative of Articles 14, 19(1)(g) and 21 of the Constitution of India contrary to the provisions of the Explosives Act, 1884 and the Explosives Rules 2008 and opposed to the principles of natural justice and consequently direct the Respondents to consider the Petitioner's application for renewal of the Fire No Objection Certificate and grant licences without reference to the impugned proceedings, and to pass".*

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home as well as learned Assistant Government Pleader for Revenue appearing for the respondents and perused the entire material available on record.

3. As per the facts pleaded by the petitioner, earlier licences were granted to the petitioner to manufacture fireworks. On the basis of the said licences granted in their favour, it is stated that the petitioner has been carrying on the business of manufacturing fireworks for a considerable period. While so, the said licences granted in favour of the petitioner stood expired.

4. It is also asserted that the petitioner has submitted an application before the competent authority for renewal of the said licences within the prescribed period. Learned counsel for the petitioner draw attention of this Court the following information in respect of their assertions:

Writ Petition No. and party names	**Type of Licence and Licence No.**	**Licence Issued date**	**Licence expired on**	**APTC FORM 10 Challan Nos./Date**
WP No.32231 of 2026 Sri Atkuri Gopala Krishna vs. The State of AP & others	LE-1-Quantity-15 kgs 02/2024/KVR	31.03.2025	31.03.2026	91332622592025 Dt: 23.01.2026

5. Learned counsels further adds that the said applications preferred by the petitioner are still pending consideration before the competent authority and no order either renewing the said licences or rejecting the same has been passed till now.

6. Petitioner state that he has been continuing his business in manufacturing fireworks for all this length of time pending the applications for renewal of their licences. It is the grievance of the writ petitioner that the respondents are now objecting the petitioner business works such as manufacture of fireworks, without any valid reason at all.

7. Learned Assistant Government Pleader for Home has not disputed the pendency of petitioner's applications for renewal of licenses before competent authority. However, he states that in view of unfortunate incidents, the

authorities are verifying the ground realities so far as statutory violations across State of Andhra Pradesh.

8. The Explosives Act, 1884 is a special enactment. In terms of the Sections 5 and 7 of the Explosives Act, and in supersession of the Explosive Rules 1983, the Central Government issued the Explosives Rules, 2008. In this context, it is relevant to note Rule 112(5) of the Explosives Rules, 2008, which reads as follows:

> *"R.112(5). If the application for renewal reaches the renewing or licensing authority on or before the date of expiry, the licence shall be deemed to be in force until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant."*
>
> *Emphasis supplied.*

9. A reading of the aforesaid rule makes it manifest that, it is a deeming provision and the relevant rule mandates that when the application for renewal that was submitted by the applicant reaches the renewing or licensing authority before the date of expiry, the licence shall be deemed to be in force, until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant.

10. It is also apt to note Rule 116 of the Explosives Rules, 2008, which is as under:

> ***116. Refusal to amend or renew a licence*** ---

(1) The licensing authority refusing to amend or renew a licence shall record the reasons for such refusal in writing.
(2)The licensing authority shall refuse to renew a licence if such licence can be revoked in accordance with the Act or these rules.
(3)A brief statement of reasons for refusal to renew a licence shall be given to the holder of the licence on demand unless in any case the licensing authority is of the opinion that it will not be in public interest to furnish such statement.
(4)Where the renewal of the licence is refused, the fee paid for the renewal shall be refunded to the licensee after deducting the proportionate fee for the period beginning from the date from which the licence was to be renewed up to the date from which renewal thereof is refused.
(5)Before refusing renewal of a licence under the rule, the holder of the licence shall be given an opportunity of being heard.

11. As seen from the material on record and even as per the submission made by learned Assistant Government Pleader for Home, the applications submitted by the petitioner for renewal of licences are still pending consideration before the competent authority. No decision either renewing the said licences or rejecting the same has been taken till now by the competent authority. Therefore, as per Rule 112(5) of the Explosives Rules, 2008, which is a deeming provision, the licences that were earlier granted to the petitioner are deemed to be in force as of now. Further, Rule 116 of the very same Explosives Rules, 2008 is also apt in this context.

12. In a similar situation, earlier the High Court of Andhra Pradesh, in W.P.No.27884, 27898 and 27917 of 2022 *vide* Common Order dated 06.09.2022, while considering the similar grievance, ordered the police officials therein not to interfere with the business activity of the petitioners therein. It is also brought to the notice of this Court that the orders passed in W.P.No.27884, 27898 and 27917 of 2022 *vide* Common Order dated

06.09.2022 attained finality. Therefore, relying on the aforesaid orders, this Court inclined to follow the same dictum in the present Writ Petition too. Accordingly, petitioner, who is similarly placed, is also entitled to the same relief in the instant Writ Petition as well.

13. As such, in view of the said clear legal position, when the licences, which were granted to the petitioner, are deemed to be in force, the respondents are not justified in interfering with the business activities of the petitioner in manufacturing the fireworks.

14. Consequently, the Writ Petition is allowed, directing the respondent-officials and personnel not to interfere with the business activities of the petitioner in manufacturing fireworks during the pendency of petitioner's applications for renewal of licences. However, the petitioner shall comply with the other requirements contemplated under law. It is made clear that respondent authorities are at liberty to issue prior notice and take appropriate steps in accordance with the law, in the event of any violation of statutory provisions as well Rules in vogue. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

MAHESWARA RAO KUNCHEAM, J

Date: 04.11.2026
Note: Issue C.C. by 06.11.2026
B/o.
MDP