



W.P.(MD)No.3444 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2026

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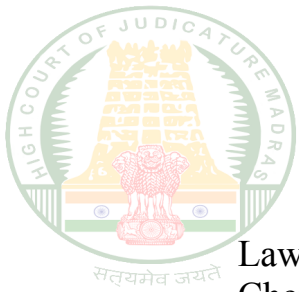
**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P.(MD)No.3444 of 2014

The Indian Fireworks Manufacturers Association (TIFMA),
Rep. by its Secretary,
Room No.21, Door No.9E,
N.P.S.B. Arumugam Road
Sivakasi, Virudhunagar District. ... Petitioner

Vs.

- 1.The Union of India,
Rep. by its Secretary to Government,
Ministry of Company Affairs,
Law and Justice, Nirman Bhavan,
New Delhi.
- 2.The Union of India,
Rep. by its Secretary to Government,
Ministry of Small Scale Industries,
Nirman Bhavan, Delhi.
- 3.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home Department, Fort St. George,
Chennai-9.
- 4.The State of Tamil Nadu,
Rep. by its Secretary to Government,



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Law Department, Fort St. George,
Chennai-9.

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5.The District Collector,
Virudhunagar District,
Virudhunagar.

6.The Superintendent Of Police,
Virudhunagar District,
Virudhunagar.

7.The Secretary to Government,
Ministry of Commerce and Industry,
Vanijya Bhawan, New Delhi.

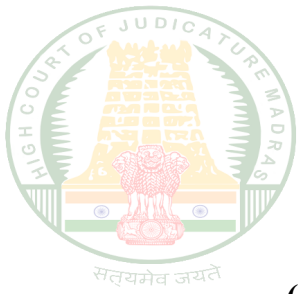
... Respondents

*(R7 is suo motu impleaded vide order dated
10.10.2025 in W.P.(MD)No.3444 of 2014 by
ASMJ and CKJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring section 9B(1)(a) of the Explosives Act 1884 and the consequential penal provisions as unconstitutional, discriminative, arbitrary and violative of Articles 14,19 and 21 of the Constitution of India.

For Petitioner : Mr.S.Venkatesh,
For Mr.A.Sivaji

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India,
Assisted by Mr.A.Srinivasan for R1 & R2.
Mr.M.P.Senthil,
Govt. Advocate for R3 to R5 & R7.
Mr.Shathurthi Raja
Govt. Advocate for R6.



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ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

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This writ petition has been filed by the Indian Fireworks Manufacturers Association based in Sivakasi. Two prayers have been sought in this writ petition. The first prayer is to declare Section 9B(1)(a) of the Explosives Act, 1884 as unconstitutional. The said provision reads as follows:-

“9B. Punishment for certain offences.—(1) Whoever, in contravention of rules made under section 5 or of the conditions of a licence granted under the said rules—

(a) manufactures, imports or exports any explosive shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both;

2.A provision can be struck down as unconstitutional only if one of the following conditions are satisfied:-

(a) lack of legislative competence

(b) violation of any of the fundamental rights guaranteed in Part III of the Constitution or of any other constitutional provision.



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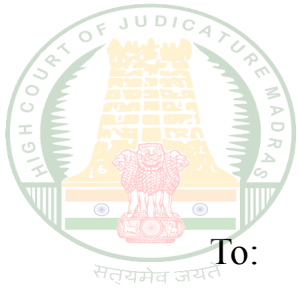
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3.The learned counsel for the petitioner is unable to show as to how Section 9B(1)(a) of the Explosives Act would attract anyone of the aforesaid conditions. The challenge to the provision stands repelled.

4.The second prayer is that the authorities must follow the circular issued by the Director General of Police on 18.02.1995. A circular does not have the force of law. When an occurrence takes place and an FIR is registered, it is for the investigating officer concerned to decide as to how to go about the investigation including the arrest of the accused. If according to the petitioner, the instructions set out in the circular have been breached, it is always open to the affected party to make a complaint to the appropriate officer. It is not for the Writ Court to issue directions to micro-manage such situations. The writ petition stands dismissed. No costs.

**(G.R.S. J.,) & (R.P. J.,)
02.06.2026**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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Chennai-9.
- 2.The Secretary to Government,
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