



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	:	02.02.2026
Pronounced on	:	17.02.2026

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD).Nos.1726, 4962, 5738 of 2014 and 20942 of 2013

and

M.P(MD) Nos.1 of 2014, 2 to 5 of 2014, 1 and 2 of 2014,

1 and 2 of 2013 and 3061 of 2016

W.P.(MD)No.1726 of 2014

M.S.Murugan

... Petitioner

/Vs./

- 1.State of Tamil Nadu rep by its
Secretary,
Department of Environment and Forests,
Secretariat, Chennai-9.
- 2.The Chief Controller of Explosives,
O/o.the Chief Controller of Explosives,
A Block, CGO Complex, Seminary Hills,
Nagpur-440006, Maharastra.
- 3.The Deputy Chief Controller of Explosives,
FRDC Complex, Near ESI Hospital,
Sivakasi West, Sivakasi-626 124,



W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

- Virudhunagar District.
- 4.The District Collector,
Virudhunagar District,
Virudhunagar.
- 5.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
- 6.Ayatharmam Village Panchayat,
Rep by its President,
Ayartharmam Village, Srivilliputhur Taluk,
Virudhunagar District.
- 7.Vellapottal Village Panchayat,
Rep by its President,
Vellapottal Village,
Srivilliputhur Taluk,
Virudhunagar District.
- 8.M/s.Jumbo Fire Works (India Pvt. Ltd.),
Rep by its Proprietor C.Subash Singh,
Ayatharmam Village,
Elandaikulam Post, Srivilliputhur Taluk,
Virudhunagar District.
- 9.M/s.Vadivel Fire Works
Rep by its Partner Arumugasamy,
Vellapottal Village, Karisalkulam Post,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondent Nos.2 to 6 to
forbear the respondent Nos.8 and 9 allowing the commencement of the Fire
Works Factories at Ayatharmam Village and Vellapottal Village, Srivilliputhur



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

Taluk, Virudhunagar District without the permission of this Court fixing the time schedule for such commencement.

For Petitioner : Mr.M.Mahaboob Fazil
for M/s.Lajapathi Roy Associates

For Respondents : Mr.Ajmalkhan
Additional Advocate General
Assisted by Mr.S.P.Maharajan,
Special Government Pleader
for R1, R4 to R7
Mr.R.Nandakumar for R2 & R3
Mr.S.Silambannan, Senior Counsel
for Mr.S.Karthik- for R8
Mr.Sivaji for R9

W.P.(MD)No.4962 of 2014

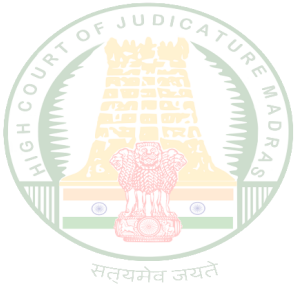
1.V.Chellakkannu
President,
Govindanallur Village Panchayat,
Govindanallur, Srivilliputhur Taluk,
Virudhunagar District.

2.V.Karuppaiah ... Petitioners
/Vs./

1.The Union of India represented by
The Inspector General of Forests
Ministry of Environment and Forests
Wild life Division, Paryavaran Bhawan
CRO Compled, Lodhi Road,
New Delhi-110003.

2.State of Tamil Nadu rep by its
Secretary,
Department of Environment and Forests,
Secretariat, Chennai-9.

3/38



W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

WEB COPY

- 3.The Chief Controller of Explosives,
O/o.the Chief Controller of Explosives,
A Block, CGO Complex, Seminary Hills,
Nagpur-440006, Maharastra.
- 4.The Deputy Chief Controller of Explosives,
FRDC Complex, Near ESI Hospital,
Sivakasi West, Sivakasi-626124,
Virudhunagar District.
- 5.The District Collector,
Virudhunagar District,
Virudhunagar.
- 6.The Commissioner,
Watrap Panchayat Union,
Watrap, Srivilliputhur Taluk,
Virudhunagar District.
- 7.The District Forest Officer,
Virudhunagar District.
- 8.Ayatharmam Village Panchayat,
Rep by its President,
Ayartharmam Village, Srivilliputhur Taluk,
Virudhunagar District.
- 9.Vellapottal Village Panchayat,
rep by its President, Vellapottal Village,
Karisalkulam Post, Srivilliputhur Taluk,
Virudhunagar District.
- 10.M/s.Jumbo Fire Works (India Pvt. Ltd.),
Rep by its Proprietor C.Subash Singh,
Ayatharmam Village, Elandaikulam Post,
Srivilliputhur Taluk, Virudhunagar District.



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY

11.M/s.Vadivel Pyro Works
Rep by its Partner Arumugasamy,
Vellapottal Village, Karisalkulam Post,
Srivilliputhur Taluk, Virudhunagar District.

12.The Deputy Conservator of Forests,
Geomatics Centre,
Tamil Nadu Forest Department,
Chennai – 15.

... Respondents

*(R12 is suo motu impleaded vide order of this Court
dated 10.11.2025 in W.P.(MD)No.4962 of 2014)*

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent Nos.2 to 6 not to process any application for construction and establishment of Fire Works Factories in and around 10 km of the Srivilliputhur Grizzled Squirrel Wild Life Sanctuary, being Eco-sensitive Zone of a Protected Area under Sec. 2 (24A) of the Wild Life (Protection) Act, 1972 and consequently direct the respondents No.5 to 8 to demolish the Fireworks Factories put up by Respondent Nos.10 and 11 at Ayatharmam Village and Vellapottal Village respectively, in Srivilliputhur Taluk, Virudhunagar District.

For Petitioner : Ms.D.Geetha
For Respondents : Mr.R.Nandakumar for R1

Mr.P.Paul Pandi
Central Government Standing Counsel
for R3 & R4
Mr.S.Silambanan, Senior Counsel
Mr.S.Karthik
for M/s.Profex Associates for R10



WEB COPY



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

Mr.M.Ajmal Khan
Additional Advocate General
Assisted by Mr.S.P.Maharajan,
Special Government Pleader
for R2, R5, R6, R7 and R12
Mr.P.Sathish Parasaran, Senior Counsel
for Mr.S.Venkatesh for R11
No appearance – R8 and R9

W.P.(MD)No.5738 of 2014

M/s. Vadivel Pyro Works,
A Partnership Firm registered under the
Partnership Act represented through its
Managing Partner V.Arumugasamy
Having office at 43-A, Kaliammankoil Street,
Sivakasi-6261 23, Virudhunagar District.

... Petitioner

/Vs./

The Commissioner cum
Block Development Officer,
Watrap, Srivilliputtur Taluk,
Virudhunagar District.

... Respondent

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the
proceedings of the respondent in Na.Ka.A3/768/2013 dated 27.01.2014 and
quash the same and consequently allow the petitioner to carry on the business
pursuant to the license and the NOC granted in his favour under the
Explosives Act and the Rules.

For Petitioner : Mr.Sathish Parasaran, Senior Counsel
for Mr.A.Sivaji
For Respondent : Mr.M.Ajmal Khan
Additional Advocate General



WEB COPY

**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

Assisted by Mr.S.P.Maharajan,
Special Government Pleader
for sole respondent

W.P.(MD)No.20942 of 2013

M/s.Vadivel Pyroworks,
A Partnership Firm registered under the
Partnership Act represented through its
Managing Partner V.Arumugasamy
Having office at 43-A, Kaliammankoil Street,
Sivakasi-626123, Virudhunagar District.

... Petitioner

/Vs./

The Commissioner cum
Block Development Officer,
Watrap, Srivilliputtur Taluk,
Virudhunagar District.

... Respondent

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the
proceedings of the respondent in Na.Ka.A3/768/2013 dated 31.10.2013 and
quash conditions 1 and 7 in the said proceedings and consequently direct the
respondent to allow the petitioner to carry on the business pursuant to the
license and the NOC granted in his favour under the Explosives Act and the
Rules.

For Petitioner	: Mr.Sathish Parasaran, Senior Counsel for Mr.A.Sivaji
For Respondent	: Mr.M.Ajmal Khan Additional Advocate General Assisted by Mr.S.P.Maharajan, Special Government Pleader for sole respondent



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY

COMMON ORDER

[Order of the Court was made by **Mr.K.K.RAMAKRISHNAN.J**]

Prelude:

The fireworks industry is one of the few industries flourishing in the State of Tamil Nadu. Fireworks manufacturing units significantly provide employment to a considerable section of the population in Virudhunagar District. But for this industry, there will be hardly any alternative employment opportunities for the people in the said district. The petitioners in Public Interest Litigations appear to be oblivious to the fact that the continued operation of fireworks industries is intrinsically linked to the livelihood and employment of a large number of people. Though it is true that there have been instances of fatal accidents occurring during the manufacturing process, the Government has, from time to time, introduced several preventive and safety measures, along with stringent regulatory norms, to ensure safe manufacture of firecrackers. Considering these circumstances, and bearing them in mind, this Court proceeds to examine the facts of the case.

2.Prayer in the Public Interest Litigations:

2.1. The writ petitioner in W.P.(MD) No. 1726 of 2014 has filed the present writ petition seeking a Writ of Mandamus directing the official



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

respondents to restrain private respondents, namely, Jumbo Fireworks and Vadivel Fireworks, from commencing a fireworks manufacturing unit at Aayatharam Village and Vellappottal Village, Srivilliputhur Taluk, Virudhunagar District, without obtaining appropriate prior permission from the local authorities.

2.2. The writ petitioners in W.P.(MD) No. 4962 of 2014 have filed a public interest writ petition seeking a Writ of Mandamus directing the respondents 2 to 6 not to process any application for the construction and establishment of Fireworks Factories around 10 kilometres of the Srivilliputhur Grizzled Squirrel Wildlife Sanctuary, which is an Eco-sensitive Zone of a protected area under Section 2(24A) of the Wildlife (Protection) Act, 1972. Consequently, the petitioner also seeks a direction to the respondents 5 to 8 to demolish the fireworks factories allegedly put up by respondents 10 and 11 at Aayatharam Village and Vellappottal Village.

3.The sum and substance of Public Interest Litigations:

3.1. In the above writ petitions, it is averred that the proposed site for firework factories of private respondents are situated in close proximity to the



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY

Shenbagathoppu Grizzled Squirrel Wildlife Sanctuary, which is a protected area under the Wildlife (Protection) Act, 1972. According to the relevant existing Government Notification of the year 2014, the proposed units fall within ten kilometres of the prohibited distance from the reserved forest area. They did not obtain building plan permission from the village panchayat and constructed the buildings and failed to obtain permission from the Panchayat Union Council as per the requirement of the Tamil Nadu Panchayats Act, 1995. Therefore, the respondents ought not to have permitted to operate a fireworks manufacturing industry at the said locations. Since the proposed factories are likely to commence their production activities within the Eco-sensitive zone and buffer zone of the aforesaid wildlife sanctuary, there is a likelihood of eruption of forest fire which will be detrimental to the wildlife. Further, Vadivel Pyro works had constructed the building obstructing the water channel running through the lands and it has paralyzed the agricultural activities in the surrounding villages. It has also obstructed existing public pathway by fencing boundaries. Without obtaining permission for conversion of agricultural land for development purposes, as mandated under Section 47A of the Tamil Nadu Town and Country Planning Act, they have constructed the building in agricultural lands to start the factory. Fireworks

10/38



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

units are prone to frequent fire accidents resulting in loss of human lives. The private respondents also have continued their construction activities even after the cancellation of the approved building plan. Hence, the writ petitioners in Public Interest Litigation have sought for the above said prayers.

4.Brief facts of W.P. filed by Vadivel Fireworks:

4.1. The petitioner, Vadivel Fireworks, in W.P.(MD) No. 20942 of 2013 has filed the writ petition seeking issuance of a writ of Certiorarified Mandamus to call for the proceedings of the respondent in Na.Ka. No. A3/768 dated 31.10.2013 and quash Conditions Nos. 1 and 7 imposed therein, and consequently to direct the respondent to permit the petitioner to carry on its business pursuant to the licence and No Objection Certificate granted in its favour under the Explosives Act and the Rules framed thereunder.

4.2. According to the petitioner, Vadivel Fireworks is a partnership firm registered under the Indian Partnership Act. The partners are owners of lands comprised in Survey Nos. 210, 211, 212, 213, 214, 217/1, 2, 218, 223/2, 224, 11/38



W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

225, 226, 227 and 228/1 & 2, situated at Vellappottal Village. The said properties were purchased by the partners in the year 2012 under various sale deeds from different owners. Based on such purchase, the petitioner is in possession and enjoyment of the lands and obtained patta in its favour. Thereafter, the petitioner decided to establish a fireworks manufacturing unit.

4.3. The petitioner submitted an application for building plan approval before the concerned Panchayat on 01.04.2013. As the said application was not considered within the statutory period, the petitioner claims that, by virtue of the deeming provision under Section 220(3) of the Tamil Nadu Panchayats Act, the plan approval is deemed to have been granted. Relying on the said deeming provision, the petitioner conducted Bhoomi Pooja and proceeded with construction of the building.

4.4. After completion of construction, on 21.03.2013 the petitioner applied for permission for construction of Fireworks Factory, the Commissioner-cum-Block Development Officer, Watrap Panchayat Union. The said application was ultimately approved by proceedings dated 31.10.2013, subject to several conditions imposed under Sections **160** of the



W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

WEB COPY

Tamil Nadu Panchayats Act. Among them, Conditions Nos. 1 and 7 stipulated that a portion of the construction was located on a road vested with the Government and that an approved building plan had to be submitted within a period of three months. Aggrieved by the imposition of the said Conditions Nos. 1 and 7, the petitioner filed the present writ petition in W.P.(MD) No. 20942 of 2013. This Court granted an interim order, which is subsisting.

4.5. During the subsistence of the interim order, the respondent passed another order dated 27.01.2014 cancelling the conditional approval granted earlier, on the ground that the petitioner had not complied with the conditions imposed. Challenging the said cancellation order, the petitioner filed another writ petition in W.P.(MD) No. 5738 of 2014, seeking to quash the same and for a consequential direction to permit the petitioner to carry on the business pursuant to the licence and No Objection Certificate granted under the Explosives Act and Rules.

4.6. In the said writ petition, it is specifically pleaded that once the plan approval is deemed to have been granted under Section 220(3) of the Act, the petitioner was not required to furnish any further building plan approval.



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY

With regard to the condition relating to the road, though the petitioner disputes the existence of a public road, it is stated that the petitioner had undertaken to lay an alternative access road for public use, which was accepted by the local Panchayat by passing a resolution, and that the petitioner is ready and willing to comply with the same. It is further contended that the cancellation order dated 27.01.2014 was passed during the subsistence of the interim order granted by this Court and, therefore, the said order amounts to wilful disobedience and is a nullity in the eye of law.

4.7. The petitioners/respondents, namely Vadivel Fireworks and Jumbo Fireworks, have filed counters denying the allegations made in the public interest litigations. According to them, their units do not fall within the prohibited or eco-sensitive zone. Jumbo Fireworks, in particular, has submitted that all statutory permissions have been duly obtained and that the allegation regarding violation of eco-sensitive zone norms is incorrect. It is further submitted that, pursuant to the issuance of a subsequent Government Order, the units do not fall within the restricted zone, which fact has been specifically affirmed by the Government in its counter affidavit. The Forest Department has also filed a counter affidavit supporting the said stand.



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY

4.8. It is lastly contended that, due to the interim orders passed in the public interest litigations, the petitioners have been prevented from operating their industries since 2013, despite having made substantial investments, resulting in heavy financial loss. On the above grounds, they seek dismissal of the writ petitions filed against them.

5. Case of the Jumbo Fireworks:

5.1. The allegation stated against Jumbo Fireworks that they had not obtained permission either from the panchayats or from the Panchayat Union Council to construct the building are totally false. They had obtained proper building permission from the Ayardharmam village panchayat and proper approval from the Panchayat Union Council and they had also obtained licenses from all other departments and at the time of the commencement of production of the firecrackers, the Public Interest Litigations have been filed with false allegation. The firecrackers unit is situated far away from the forest area and also the said wildlife sanctuary. Setting the firecrackers units would neither cause any disturbance to the wild animals and nor affect the eco-system and therefore, they sought to dismiss the said Public Interest Litigations.



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY

6.Submission of Mr.P.Sathish Parasaran, learned Senior Counsel

on behalf of vadivel pyro works:

6.1. They submitted the building plan approval to the local authority on 01.04.2013. As per the Section 220(3) of Tamil Nadu Panchayat Act, the said application was not considered for the period of three months, and the same was not rejected within the period, the plan approval is deemed to have been granted. Therefore, they commenced the construction activities upon the premises that the plan approval is deemed to have been granted and after completion of the construction activities, they had submitted application to the Commissioner, Watrap Panchayat Union, Watrap, Virudhunagar District to grant Certificate of approval of building plan in order to start the Fireworks Factory. The said request was considered and the building plan was approved with certain conditions and aggrieved over the two conditions, namely, the building plan approval has to be submitted within three months and the construction in the common pathway, footpathway and the odai found in the factory site have to be removed and that should be no hinderance to the usage of pathway. The same was challenged before this Court in W.P(MD) No. 20942 of 2013 and this Court granted interim stay and pending the interim stay, direction was issued by letter dated 31.10.2023 to produce the building



W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

plan in utter disregard to the interim order granted by this court for the non compliance of the above said conditions. Therefore, they had filed another writ petition in W.P(MD) No.5378 of 2014 and the interim order also was granted. At this stage, two public interest litigations were filed without any genuine public interest, but with vested interest in order to stop the commencement of the fireworks factory stating that the construction was made without building plan and the place of the factory was situated within 10 kilometres of Shenbagathopu, Grizzled Squirrel Wildlife Sanctuary and hence there would be serious threat to the wild life animals and also possible danger of forest fire and in view of the obstruction of the water channel running through the factory premises connecting the various water sources of the different villages it would also have adverse impact an agricultural activities and also there was no permission under Section 47 A of the Tamil Nadu Town and Country Planning Act.

6.2. The learned Senior Counsel elaborated his argument and submitted that the proposed factory premises does not come under the Town and Country Planning Development area and hence application of Section 47-A of the Town and Country Plan Act will not arise. The deemed building plan

17/38



W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

approval was obtained and hence the direction issued by the Commissioner of Panchayat Union vide impugned order dated 31.10.2013 to produce the building plan within three months by obtaining from Panchayats is illegal. There was no public pathway, footpathway and running water channel within the precincts of the factory premises. There was no reference about the same in the FMB Sketch. As per the Tamil Nadu Survey Manual of Department Rules, there must be reference about the public pathway etc., by giving subdivision survey numbers. There is no such reference in the FMB Sketch produced before this Court. Therefore, the claim of public pathway and the consequential prohibition in the impugned order dated 31.10.2013 that there should be no obstruction to the usage of the pathway, water channel etc., is illegal. But in order to bring about peaceful atmosphere to start the industry, they are ready to provide the alternative pathway at the width of 20 feet as expressed by the village panchayat resolution dated 03.06.2013. Absolutely, there is no water channel through the land as stated by the Government to connect the Peruntalaipatti Kulam (pond) and Govindanallur Kulam there is no Weirs on the either side of the villages. The allegation that they constructed two more rooms in the water channels is mis-conceived. Even otherwise, they had agreed to provide a water channel to connect with the



W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

WEB COPY

pond. As per the decision of the Hon'ble Supreme Court in *TN.Godavaraman Thirumal Kpad vs. Union of India* and *Goa Foundation Vs. Union of India* there is no prohibition to run the industry even in the buffer zone if there was no adverse effect on the Forest Environmental and Wild life. As per the notification issued by the Union Government in the year 2019, the industry is away from the eco-sensitive zone and the same was also clear from the report submitted by the competent Environmental Department. Hence, there is no question that the proposed industry comes within the eco-sensitive zone. Therefore, considering the huge investment made in the year 2013 and in the absence of any legally objectionable cause, the industry has been unable to make headway. The learned senior counsel also relied the judgment of the Hon'ble Supreme Court in the case of *Susetha vs. State of Tamilnadu* and others reported in **(2006) 6 SCC 543** and submitted that harmonisation of environmental protection and sustainable development has to be done. More particularly, in this case when the competent authorities stated that the factory premises is away from the forest area and also wildlife sanctuary. Therefore, the learned senior counsel would submit that the industry is the only source of employment for the local people and when all the department had provided permissions and license to start the industry, the Vadivel Pyro works is unable



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

to start the industries and hence, they pray for disposal of the writ petition with suitable direction to the authorities to grant approval and the required license without insisting further conditions.

7.Submission of Mr.S.Silambanan, learned Senior Counsel:

7.1. The Senior Counsel Mr.Silambanan on behalf of the jumbo Fire Works would submit that they had obtained proper building plan approval and all other licenses and at the stage of the commencement of the production, the public interest litigation has been filed with vested interest without valid reason and in view of the pendency of the interim order, they had filed vacate stay petition and the writ petition is pending more than 12 years and now the only violation according to the writ petitioner in the public interest litigation is that they have constructed close to the eco sensitive zone is also not correct in view of the finding given by the competent authority that this construction does not come within the eco-sensitive zone and the same is in accordance with the guidelines issued by the government in 2019. Therefore there is no impediment to vacate the interim order granted by this Court and allow the industry to commence the production.



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY 8.Submission of the learned counsels in the Public Interest

Litigations:

8.1. Mrs. Geetha, the learned Counsel appearing for the petitioner in the Public Interest Litigation W.P(MD) no 4926 of 2014 would submit that the earlier guidelines issued by the then ruling Government at the time of filing the writ petition prohibited the Non-Forestry activities within 10 kilometres of the wild life sanctuary and there is no necessity to follow the 2019 circular. They constructed the building in the year 2013 in violation of the existing circular and obtained the permission in violation of the circular that existed at that time and there is no logic in relying on the present circular 2019. Protection of the wild life is important and preserving the eco-sensitive zone should be the paramount consideration. She would also submit that the Vadivel Fire Works have not complied the condition imposed by the Panchayat Union Commissioner even till date and therefore, there is no merit in the contention of the learned Senior Counsel appearing for the Vadivel Fire Works. The learned counsel for the other public interest litigation in W.P. (MD) No.1726 of 2014 also reiterated the submission of the learned counsel Mrs.Geetha.



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY

9.Submission of the learned Additional Advocate General:

9.1. Mr.Ajmalkhan, learned Senior Counsel on behalf of the State would submit that both Jumbo Fire Works and the Vadivel fire Works are not within the eco-sensitive zone and they are 4.3 kilometres away from the eco-sensitive zone as per the 2019 circular. But Vadivel Fire Works has to provide 20 feet road and remove the two rooms situated in the water course so as to enable free flow of water connecting pond and also provide foot path and also meet the cost of Tar road made by the panchayat at the cost of Rs.11 lakhs and also clarify the cloud on the title.

9.2. The learned Additional Advocate General would submit that only above the width of 20 links pathway, the sub-division was made in the FMB Sketch and in all other cases the village records showed the path way by delineating the “*dotted lines*”. Therefore, the argument on the basis of the survey manual is mis-conceived.

10.This Court heard all the parties and perused the records and considered the precedents relied upon by them.



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY 11.Discussion on the Environmental Aspect:

11.1.The District Collector, Virudhunagar, by proceedings in O.Mu.No. 2/2013 dated 25.05.2013, has categorically recorded that, unlike any other district in the State of Tamil Nadu, there has been a mushrooming growth of the fireworks industry both small-scale and large-scale in Virudhunagar District. As on 25.05.2013, the district accounted for more than 7,700 fireworks factories and high-explosive magazines. The concentration of these units was found to be particularly dense in the Taluks of Sivakasi, Sathur and Virudhunagar. Taking note of the serious safety concerns arising from such thick concentration, especially in the event of accidental explosions, the District Collector, in the larger public interest, banned the grant of new explosives licences in the aforesaid Taluks. Accordingly, under the said regulatory order, issuance of fresh licences for fireworks factories or explosive magazines was prohibited in these Taluks. However, recognising the need for balanced industrial development and employment generation, the order permitted the grant of licences in other Taluks namely Rajapalayam, Srivilliputhur, Aruppukottai, Kariyapatti, and Tiruchuli subject to the satisfaction of the District Collector regarding the genuineness of the applicant's purpose and compliance with statutory norms.



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY

11.2. Pursuant to the said policy decision, the private respondents, namely, “Jumbo fire works” and “Vadivel pyro works” migrated and proposed to construct the manufacturing unit in Vellaipottal Village and Ayardharmam village where the lands were predominantly barren and where agricultural activity was minimal. The District Forest Department have filed the additional counter affidavit dated 23.09.2025 along with records with the specification that the Vadivel Fireworks factory is located at 4.14 kilometres away from the boundary of Srivilliputhur Grizzled Wildlife Sanctuary and also that Vadivel Fireworks is located 2.73 kilometres outside the eco-sensitive zone. Both Vellaipottal village and Ayardharmam Village does not come under the eco-sensitive zone in the annexure IV of the Central Government vide S.O. 3974(E) – notification dated 30.10.2019 of the Ministry of Environment, Forest and Climate Change. Therefore, there is no necessity to obtain permission from either State Board Wildlife or National Board of Wildlife. In the case of ***Goa Foundation v. Union of India***, Civil Writ Petition No.435 of 2012, the Hon’ble Supreme Court clarified its earlier directions issued in subparagraphs 4 and 5 of paragraph 71. The said clarification makes it clear that there is no absolute prohibition on mining activities within a radius of 10 kilometres from the boundaries of National Parks or Wildlife Sanctuaries.

24/38



W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

Rather, it is for the State Government to decide whether permission can be granted, and such decision is always subject to judicial review.

11.3. In the present case, the industry had already constructed the building, and before commencement of production, an interim order was granted by this Court in the Public Interest Litigation. Even at that stage, the industry had specifically averred that it did not fall within the prohibited zone. During the pendency of the writ petition, the circular issued in the year 2019 came into force, and pursuant thereto, reports were submitted by the competent authorities of the Forest Department categorically stating that the unit is situated outside the eco-sensitive zone and far away from forest area.

11.4. Therefore, the learned counsel, Ms. Geetha, contention that the industry was within the prohibited zone as on the date of filing of the writ petition in the year 2014 and that it is not entitled to the benefit of subsequent notification, cannot be accepted and deserves to be rejected. Therefore, there is no justification to deny permission on environmental grounds.



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY

12.Discussion on the Jumbo Fireworks:

12.1. The Jumbo Fireworks have been arrayed as tenth respondent in the W.P.(MD).No.4962 of 2014 and eighth respondent in W.P.(MD).No.1726 of 2014. Their specific case is that they had obtained building plan from the Ayardharmam village panchayat and constructed the building and thereafter, they had obtained permission from the Panchayat Union Council and other departments and they also produced the relevant documents. The learned Additional Advocate General and also the petitioner in the Public Interest Litigations have not disputed. Therefore, the allegation in the Public Interest Litigation that they have not obtained permission from the authorities is not correct. The said area does not come under the developed area under the Tamil Nadu Town and Country Planning Act and therefore, there is no necessity to obtain conversion of agricultural land for the industrial purpose as per the Section 47A of the Tamil Nadu Town and Country Planning Act. The District Forest Department have filed the additional counter affidavit dated 23.09.2025 along with records with the specification that Jumbo Fireworks factory is located at 4.18 kilometres away from the boundary of Srivilliputhur Grizzled Wildlife Sanctuary and also that Jumbo Fireworks is located 2.63 kilometres outside the eco-sensitive zone. The Ayardharmam

26/38



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

village in which the Jumbo Fireworks factory is located does not come under the eco-sensitive zone in the annexure IV of the Central Government vide S.O.3974(E) – notification dated 30.10.2019 of the Ministry of Environment, Forest and Climate Change. Therefore, there is no necessity to obtain permission from either State Board Wildlife or National Board of Wildlife. In view of the undisputed fact that Jumbo Fireworks obtained all the permissions and licences from all the department and their location also is 2.63 kilometres outside eco-sensitive zone, they are entitled to commence the factory. Hence, the Public Interest Litigation filed against Jumbo Fireworks is devoid of merits and therefore, this Court is inclined to dismiss the PIL insofar as it relates to Jumbo Fireworks and issue a direction to the concerned statutory authorities to permit Jumbo Fireworks Company to run the industry.

13. Discussion on the Vadivel Fireworks:

13.1.Discussion on the building plan permission:

The Vadilvel Fireworks submitted the building plan permission before the Village Panchayat authority on 01.04.2013. The same was not rejected for the period of three months and hence, as per the Section 220(3) of the Tamil Nadu Panchayats Act, 1994, the plan approval is deemed to have been



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

granted. Therefore, the contention of the learned counsel appearing for the petitioner in the Public Interest Litigation that they constructed the building without obtaining the plan is not correct and also the first condition imposed in the impugned order dated 31.10.2013 to submit the building plan is not legally valid and hence, the impugned order dated 31.10.2023 in so far as the direction to obtain the building plan from the panchayat is liable to be set aside.

13.2.Discussion on the alternative pathway:

(i) So far as Vadivel Fireworks is concerned, they have filed two writ petitions before this Court challenging the orders passed by the Panchayat Union Commissioner dated 31.10.2013 and the consequential order dated 27.01.2014. According to the petitioner, initial permission was granted by the Panchayat Union Commissioner subject to certain conditions, particularly Condition Nos. 1 and 7, namely:

(iii) Obtaining building plan approval from the local authority; and Providing a pathway.

(iv) Vadivel Fireworks agreed to comply with the said conditions. The allegation against them was that the industry had been constructed on a Government pathway, pursuant to which the above conditions were imposed.

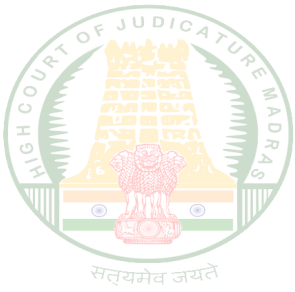


**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

Challenging the same, writ petitions were filed before this Court and an interim stay was granted.

(v) During the subsistence of the interim stay, the Panchayat Union Commissioner cancelled the permission dated 31.10.2013, allegedly on the ground of non-compliance with Condition Nos. 1 and 7, which were already stayed by this Court. Such cancellation was clearly in violation of the interim order passed by this Court.

13.3. At this stage, the learned Senior Counsel appearing for Vadivel Fireworks submitted that due to the passage of time and the pendency of the writ petitions, there are a number of change of circumstances. Now the panchayat passed resolution to accept the alternate pathway of 20 feet earmarked in the suggestive plan. The learned Additional Advocate General submitted that the Government has no objection to the laying of such an alternative road and that, upon compliance, permission would be granted. A counter affidavit to the said effect has also been filed. The Vadivel Fireworks have filed affidavit dated 19.01.2026 and have undertaken to provide an alternative road of 20-feet width in S.Nos.226, 227, 228, 207, 230 as stated in the sketch. Even though, there was a denial on the side of the Vadivel



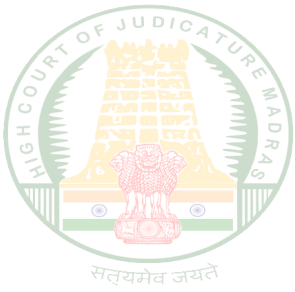
**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

WEB COPY

Fireworks, that a panchayat laid road put up at a cost of more than 11 lakhs was running through the proposed factories, this Court perused the records and found that there was a clear thar road running through the proposed site and it is not the case of the Vadivel Fireworks that the road was laid by them after purchase and no document was produced to prove the same. Since the existing pathway running through the middle of the industrial premises causes disturbance both to the functioning of the fireworks industry and to the road users, the plea of the Vadivel Fireworks to provide alternative site as approved by the panchayat dated 03.06.2013 in the above mentioned survey numbers to the width of 20 feet deserves to be accepted and hence this Court directs it to execute proper document in favour of the panchayat to the above mentioned 20 feet road covering all survey numbers and also lay the thar road at their cost to the satisfaction of the Public Works Department for simple reason that they had claimed right over the already existing road laid by the panchayat.

14.Discussion on the Water Channel Issue:

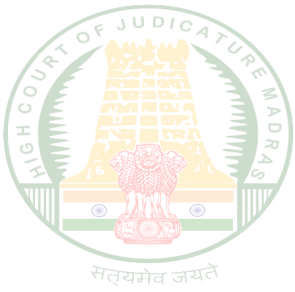
14.1. It was further brought to the notice of this Court that a running water channel exists in the Vadivel Fireworks land, connecting irrigation



W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

WEB COPY

tanks namely Govindanallu Kulam and Peruntalaipatti Kulam between two villages. The learned Senior Counsel for Vadivel Fireworks submitted that the said water channel never existed and there was no such water channel and that no culvert exists across the land to show the proof of running of water connecting two water tanks meant for agricultural purpose as there was no reference about the said water channel in the revenue F.M.B. Sketch. However, the learned Additional Advocate General on instructions from the Land Revenue authorities submitted that although there is no specific subdivision reference in the F.M.B. sketch, the channel is shown and marked with “dotted lines” in the survey records of the village. As per survey guidelines, either for road or water channel below 20 links in width, the same are shown as “dotted lines” in the village records. This Court also perused the document filed by the learned Additional Advocate General and found that there was a running water channel and also connecting culvert (bridge) for water to flow from the Peruntalaipatti Kulam to Govindanallur Kulam. The “dotted lines” also is found in the village map to show the running water channel.

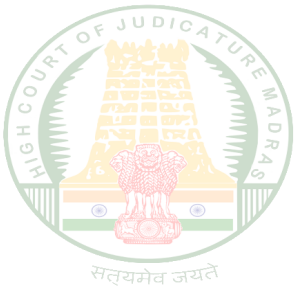


W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

WEB COPY

14.2. According to the learned Additional Advocate General, a portion of the running water channel was encroached by Vadivel Fireworks and portion of the building nos.74, 20,21 are constructed and hence, proceedings under the Tamil Nadu Land Encroachment Act is initiated and they ought to have removed the said building to restore the water channel. The learned Senior Counsel appearing for the Vadivel Fireworks disputed the same and was reluctant to accept the suggestion given by the learned Additional Advocate General to dredge proper water channel connecting the said above two kulams by removing the encroached portion of the building nos.74, 20 and 21. This Court declines to accept the argument of the learned Senior Counsel appearing for the Vadivel Fireworks regarding the running of the water channel as discussed above and issues direction to dredge the water channel connecting the two kulams to ensure uninterrupted free flow of water, connecting the irrigation tanks and serving the agricultural needs of the adjoining villages.

15. It is unfortunate that, for the past three years, the Government is soliciting foreign investors to establish industries in this State, while, at the



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

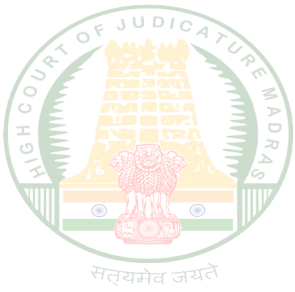
WEB COPY

same time, not extending meaningful assistance to local factory owners for the promotion of indigenous industries.

16. In the present case, the issue pertains only to the provision of a pathway beside the water channel, which could have been easily resolved by the State Government by timely intervention and by implementing appropriate measures to provide a separate vehicular access beside the channel. However, no such steps were taken. As a result, the industry has remained non-functional since 2014 solely due to prolonged litigation. It is painful to note that the Government has been lackadaisical towards local industrialists. Instead, its focus appears to be on attracting foreign investments by extending extensive subsidies and tax exemptions, while strangulating local industries from commencing operations. Such an approach not only hinders the growth of indigenous industries but also defeats the objective of achieving sustainable development.

17. Conclusion:

In view of the above findings, this Court is inclined to dispose of the writ petitions filed by the Vadivel Pyro works and the connected Public



**W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013**

Interest Litigation with certain directions.

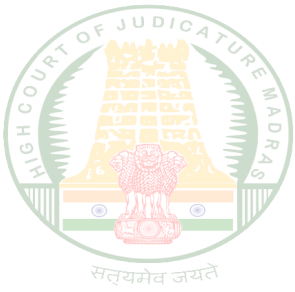
Accordingly, this Court disposes of the writ petitions in W.P.(MD).Nos. 1726, 4962, 5738 of 2014 and 20942 of 2013 so far as Vadivel Fireworks with the following directions:

(i) The Vadivel Fireworks shall convey the 20-feet wide road in S.Nos. 226, 227, 228, 207, 230 as undertaken in the affidavit dated 19.01.2026 through proper documentation to the panchayat and lay the thar road at their cost conforming to the norms and standard prescribed by the Public Works Department and thereafter, the panchayat has to maintain the same.

(ii) The Vadiver Fireworks is further directed to remove the encroachments made in the water channel running through the land as stated in the report of the Revenue Divisional Officer dated 02.02.2026 and dredge a proper water channel connecting the Peruntalaipatti Kulam and Govindanallur Kulam at their cost.

(iii) Upon the completion of the above said conditions, the Panchayat Union Council is directed to withdraw the impugned order dated 27.01.2014.

(iv) Since Jumbo fireworks have obtained all the required permissions from all the department and the only allegation against them is that they are constructed proposed industry within the eco-sensitive zone is found not



W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

WEB COPY

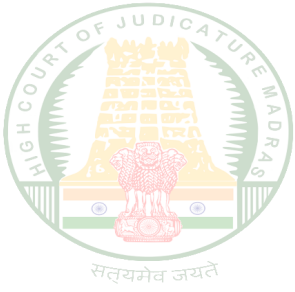
correct, this Court issues direction to the official respondents to permit the Jumbo firework company to run its industry.

(v) Both Jumbo Fireworks and Vadivel Fireworks are also hereby restrained from conducting test firing of crackers for the reason that there is possibility of fire accidents, in the event of obtaining the permissions from all the authorities to commence the production of crackers.

(vi) Both Jumbo Fireworks and Vadivel Fireworks are hereby directed to comply all the precautionary measures stated in the Factories Act in order to avoid fatality in the fire accidents in the firecrackers units in view of the apprehension expressed by the writ petitioner in the Public Interest Litigations. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

[G.J., J.] & [K.K.R.K., J.]
.02.2026

NCC : Yes / No
Index : Yes/No
Internet : Yes
pal/ebsi

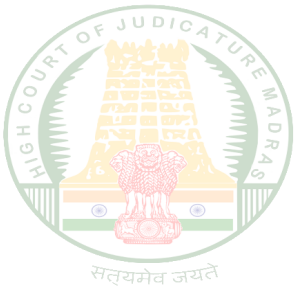


W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

WEB COPY **To**

- 1.The Secretary,
Department of Environment and Forests,
Secretariat, Chennai-9.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
- 4.The President
Ayatharmam Village Panchayat,
Ayartharmam Village,
Srivilliputhur Taluk,
Virudhunagar District.
- 5.The President,
Vellapottal Village Panchayat,
Vellapottal Village, Srivilliputhur Taluk,
Virudhunagar District.
- 6.The Inspector General of Forests,
Union of India,
Ministry of Environment and Forests
Wild life Division
Paryavaran Bhawan
CRO Compled, Lodhi Road,
New Delhi-110003.
- 7.The Chief Controller of Explosives,
O/o.the Chief Controller of Explosives,
A Block, CGO Complex, Seminary Hills,
Nagpur-440006, Maharastra.

36/38



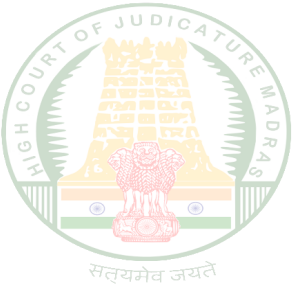
W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

8.The Deputy Chief Controller of Explosives,
FRDC Complex, Near ESI Hospital,
Sivakasi West,
Sivakasi-626124,
Virudhunagar District.

9.The Commissioner,
Watrap Panchayat Union,
Watrap, Srivilliputhur Taluk,
Virudhunagar District.

10.The District Forest Officer,
Virudhunagar District.

11.The Commissioner cum
Block Development Officer,
Watrap, Srivilliputtur Taluk,
Virudhunagar District.



WEB COPY



W.P.(MD).Nos.1726, 4962, 5738 of 2014
and 20942 of 2013

DR.G.JAYACHANDRAN, J.
AND
K.K.RAMAKRISHNAN, J.

ebsi/pal

Pre-order delivery made in
W.P.(MD)Nos.1726, 4962 & 5738 of
2014 and 20942 of 2013

17.02.2026