IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

TUESDAY, THE 6TH DAY OF OCTOBER 2026 / 14TH ASWINA, 1948

WP(C) NO. 31093 OF 2026

PETITIONERS:

PRASANTH K.,
AGED 43 YEARS
S/O. KUMARASWAMI PILLA, RESIDING AT, THOPPIL HOUSE,
PARASSALA P.O., THIRUVANANTHAPURAM, PIN - 695502

BY ADVS.
SHRI.BIJU BALAKRISHNAN
SMT.V.S.RAKHEE
SMT.AKSHAYA S.NAIR
SHRI.JAYAKUMAR C.
SMT.SANDRA SUNNY OTTA

RESPONDENTS:

1 **THE DISTRICT COLLECTOR,**
COLLECTORATE, CIVIL STATION, KUDAPPANAKUNNU,
THIRUVANANTHAPURAM, PIN - 695043

2 **DEPUTY CHIEF CONTROLLER OF EXPLOSIVES,**
ERNAKULAM SUB-CIRCLE OFFICE, C2-3RD FLOOR, CGO COMPLEX,
KAKKANAD, ERNAKULAM, KERALA, PIN - 682030

BY ADV O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA

SRI.SREEHARI INDU KALADHARAN (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06.10.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner, who has been conducting the temporary sale of fire works during festive seasons, had filed Ext.P4 application before the first respondent for temporary licence for fire works shop meant to be conducted for the ensuing festival season, in the property mentioned in Exts.P1 and P2. The first respondent, vide Ext.P6 communication, directed the Tahsildar, Neyyattinkara, Station House Officer, Parassala and the District Fire Officer, Fire & Rescue Services, Thiruvananthapuram, to ascertain whether the requirements incorporated by way of Ext.P3 amendment to Rules 83 and 86 of the Explosives Rules, 2008, have been complied by the petitioner, and to submit a report with recommendation. Aggrieved by the insistence of the first respondent to have conformity with the amendments made vide Ext.P3 for the issuance of temporary license for firework shop, the present writ petition is filed for issuing appropriate directions to consider Ext.P4 application dehors the newly incorporated requirements under Ext.P3 amendment.

2. Heard the learned counsel for the petitioner, the learned Government Pleader representing the first respondent and the learned DSGI for the second respondent.

3. The learned Government Pleader submitted that the present writ petition is premature, since the first respondent is yet to take any decision on Ext.P4 application, after getting the reports of the authorities concerned.

4. The learned counsel for the petitioner submitted that the newly incorporated amendments made to Rule 83 and Rule 86 of the Explosives Rules, 2008, are having no applicability at all, while considering the suitability of granting a temporary licence as sought for by the petitioner herein vide Ext.P4 application. Thus, it is submitted that the rejection of temporary licence to the petitioner on the ground that the requirements of Ext.P3 are not complied, would in effect, work injustice, since the above requirements are not at all meant for the conduct of temporary fireworks shops.

5. As rightly submitted by the learned counsel for the petitioner, Rule 84 of the Explosives Rules, 2008, governs the requirements and eligibility conditions to be fulfilled for the grant of temporary license for possession and sale of fireworks in a temporary shop. Therefore, what the authorities are expected to scrutinise, is the compliance of the requirements of the Rule 84 of the Explosives Rules, 2008, on the question of granting temporary licence for fireworks shops. Thus, there is no justification for

insisting the compliance of the amendments made to Rule 83 and Rule 86 of the Explosives Rules, 2008, vide Ext.P3, for the grant of temporary licence for the conduct of fireworks shop. This aspect could be further discerned from the wordings of Sub Rule 7 of Rule 86, which emphasises the term 'existing fireworks shop'. It has to be taken that the legislature has consciously incorporated the above term in Sub Rule 7 of Rule 86, to make it clear that the requirements stipulated thereunder are meant for fireworks shops of permanent nature. Therefore, the prayer of the petitioner to issue appropriate directions to the authorities concerned to consider his application for licence for the temporary fireworks shop dehors the requirements of the newly incorporated amendment to Rule 86 vide Ext.P3, is fully justified.

In the result, the writ petition stands disposed of as follows:-

1) The first respondent and all the authorities concerned are hereby directed to consider, and take a decision on Ext.P4 application filed by the petitioner for temporary licence to his fireworks shop dehors the requirements incorporated by way of amendment to Rule 86 of the Explosive Rules, 2008, vide Ext.P3 notification.
2) It is made clear that the application of the petitioner shall be subjected to strict scrutiny for compliance of Rule 84 of the

Explosives Rules 2008, before granting the temporary licence as sought for.

3) It is further directed that the first respondent shall take a decision on Ext.P4 application, in compliance with the aforesaid direction, within three weeks from the date of receipt of a copy of this judgment.

sd/

G.GIRISH

JUDGE

jm/

APPENDIX OF WP(C) NO. 31093 OF 2026

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE TAX RECEIPT DT. 27.04.2026 WITH RESPECT TO THE PROPERTY.**
Exhibit P2	**. TRUE COPY OF THE PROPERTY TAX RECEIPT DT. 04.08.2026 OF BUILDING NO. PP15/90, HAVING BUILDING ID NO.50300010013933.**
Exhibit P3	**TRUE COPY OF THE G.S.R 154 (E) DATED 02.03.2026.**
Exhibit P4	**TRUE COPY OF THE APPLICATION DT.13.08.2026 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**
Exhibit P5	**TRUE COPY OF THE SITE AND LOCATION PLAN SUBMITTED BY THE PETITIONER ALONG WITH EXT. P4 APPLICATION.**
Exhibit P6	**TRUE COPY OF THE SAID LETTER DT.20.08.2026 OF THE 1ST RESPONDENT.**