APHC010549252026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE 15th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 29987 OF 2026

Between:

1. M CHANDRA SEKHARA SATYANARAYANA @ M CH S SATYANARAYANA, S/o Surya Prakash Rao, aged about 52 years, R/o D.No. 1-10, Upper Street, Pisnikada Village, Anakapalli Mandal, Anakapalli District, erstwhile Visakhapatnam District 531031.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, represented by its Principal Secretary, Home Department, Secretariat, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh 522237.
2. The District Collector, Anakapalli, Anakapalli District, erstwhile Visakhapatnam District 531001.
3. The Superintendent of Police, Anakapalli, Anakapalli District, erstwhile Visakhapatnam District 531001.
4. The Station House Officer, Anakapalli Police Station, Anakapalli District, erstwhile Visakhapatnam District 531001.
5. The Fire Prevention Wing, represented by its District Fire Officer, Fire Department, Anakapalli District 531001.

...Respondents

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 a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th Respondent in interfering

with the Petitioner's business activity of manufacturing fire-works while the Petitioner application is pending for renewal before the competent authority as illegal, arbitrary, unjust, without jurisdiction and violating of the Rule 112(5) of the Explosive Rule, 2008 and consequently direct the Respondent police not to interfere into the Petitioners business activity of manufacturing fire-works, and pass

IA NO: 1 OF 2026

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 to direct the 4th Respondent not to interfere into the Petitioner's business activity of manufacturing fire-works, pending disposal of the main Writ Petition, and pass

Counsel for the Petitioner: P SARASWATHI

Counsel for the Respondents: GP FOR HOME

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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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 a Writ of Mandamus or any other appropriate writ, order or direction, more particularly one in the nature of Mandamus declaring the action of the 4th Respondent in interfering with the Petitioner's business activity of manufacturing fire-works while the Petitioner application is pending for renewal before the competent authority as illegal, arbitrary, unjust, without jurisdiction and violating of the Rule 112(5) of the Explosive Rule, 2008 and consequently direct the Respondent police not to interfere into the Petitioner's business activity of manufacturing fire-works and to pass".*

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

3. As per the facts pleaded by the petitioner, earlier licence was granted to the petitioner to manufacture fireworks 03/2010 in LE-1 to manufacture and sale of fire works not exceeding 15 kgs from 01.01.2021 to 31.12.2025 through D.Dis.No.1999/2020/C3 dated 31.10.2021. On the basis of the said licence granted in his favour, it is stated that the petitioner has been carrying on the business of manufacturing fireworks for a considerable period. While so, the said licence granted in favour of the petitioner stood expired.

4. It is also asserted that the petitioner submitted an application before the competent authority for renewal of the said licence prescribed period. For the sake of comprehensive view, the details of petitioner's license are as under:

i.	License No.	:	03/2010 in LE-1 to manufacture and sale of fire works not exceeding 15 kgs.
ii.	Period of Licensee	:	From 01.01.2021 to 31.12.2025
iii.	Date of renewal application	:	05.11.2025 along with APTC Form-10, Challan No.91236600152025, payment date 03.11.2025

5. Learned counsel further adds that the said application preferred by the petitioner is still pending consideration before the competent authority and no order either renewing the said licence or rejecting the same has been passed till now.

6. Petitioner states that he has been continuing business in manufacturing fireworks for all this length of time pending the application for renewal of his licence. 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 application for renewal of license 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*** *---*
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> *(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 application submitted by the petitioner for renewal of licence is still pending consideration before the competent authority. No decision either renewing the said licence 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 licence that was earlier granted to the petitioner is 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. Relying on the aforesaid orders, this Court inclined to follow the same dictum in the present Writ Petition too. Therefore, petitioner, who is similarly placed, are 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 licence, which was granted to the petitioner, is 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 Petitions are allowed, directing the respondent-police officials and other respondents not to interfere with the business activities of the petitioner in manufacturing fireworks during the pendency of petitioner's application for renewal of licence. 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, if petitioner violates any statutory provisions as well Rules in vogue. No order as to costs.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 15.10.2026
PSA

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