

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937**

**WP(C).No. 472 of 2013 (H)**  
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**PETITIONER(S):**  
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**O.BALANARAYANAN, AGED 83 YEARS,  
S/O. LATE T. NARAYANAN NAMBIAR, ADVOCATE,  
K.S.N. MENON ROAD, KOCHI-16.**

**BY ADV. SRI.B.N.SHIVSANKAR**

**RESPONDENT(S):**  
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- 1. STATE OF KERALA,  
REPRESENTED BY CHIEF SECRETARY,  
THIRUVANANTHAPURAM - 695 001.**
- 2. DISTRICT MAGISTRATE (EXECUTIVE) (COLLECTOR),  
ERNAKULAM - 682 030.**
- 3. ADDITIONAL DISTRICT MAGISTRATE,  
COLLECTORATE, KAKKANAD, ERNAKULAM - 682 030.**
- 4. COMMISSIONER OF POLICE,  
ERNAKULAM - 682 031.**
- 5. THEKKAN ARMORY,  
AMMANKOVIL ROAD, ERNAKULAM, KOCHI - 16.**

**R1 TO R4 BY GOVERNMENT PLEADER SRI.RAFEEL V.K.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
25-03-2015, THE COURT ON 10-04-2015, DELIVERED THE FOLLOWING:**

**msv/**

**WP(C).No. 472 of 2013 (H)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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- P1 : TRUE COPY OF THE PROCEEDINGS OF 3RD RESPONDENT FOR GRANTING RENEWAL OF LICENCE DTD.30.3.97.**
- P2 : TRUE COPY OF THE PROCEEDINGS OF 3RD RESPONDENT FOR GRANTING RENEWAL OF LICENCE DTD.15.1.2008.**
- P3 : TRUE COPY OF THE COMMUNICATION FROM 2ND RESPONDENT DTD.15.1.2010.**
- P4 : TRUE COPY OF THE APPLICATION DTD.20.12.2010.**
- P5 : TRUE COPY OF THE COMMUNICATION DTD.15.1.2011.**
- P6 : TRUE COPY OF THE NEWS REPORTS PUBLISHED IN CITY EXPRESS DTD.20.11.2012.**
- P7 : TRUE COPY OF THE NOTICE DTD.20.2.2013.**
- P8 : TRUE COPY OF THE METRO MANORAMA NEWS PAPER DTD.23.2.2013.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

**Msv/**

**A.V. RAMAKRISHNA PILLAI, J.**

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**W.P.(C) No. 472 of 2013**  
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**Dated this the 10<sup>th</sup> day of April, 2015**

**J U D G M E N T**

Alleging inaction on the part of the respondents in considering the application of the petitioner for renewing his arms licence, the petitioner has come up before this Court.

2. The petitioner is the holder of two arms licences from 1953 onwards. He alleges that he applied in time for the renewal of the licences before the licensing authority vide applications dated 31.12.2009 and 31.12.2010. The petitioner alleges that the only communication received by him was a copy of letter sent by the licensing authority to the 4<sup>th</sup> respondent and Tahsildar calling for reports. He further alleges that till now, no order has been passed renewing or refusing to renew the licences and no enquiry has been made by anyone. It is with this background, the petitioner has come up before this Court.

3. Arguments have been heard.

4. Admittedly, no order has been passed renewing or refusing licence to the petitioner. A learned Single Judge of this Court in **Chandran Nair v. Additional District Magistrate** [2015 (1) KLT 41] has observed that a combined reading of Sections 14 and 15 of the Arms Act, 1959 would indicate that once a licence is granted under the Act, the same shall be renewed from time to time unless there exists a ground for refusal as enumerated under S.14 of the Act. It was further observed that the protection to life and property of a citizen is the responsibility of the State; and it is only when a person apprehends that the machinery of the State may not come to his aid to protect his life and property, he/she applies for a licence under the Act. It was further observed that the subjective satisfaction of the authorities under the Act that there is no threat to the life and property of the applicant may or may not be correct; and when the applicant feels that there is threat to his life and property, there is no reason for the State to

risk his life and property.

In the light of the above, the writ petition is disposed of as under;

- The respondent concerned is directed to consider the application of the petitioner after affording him an opportunity of being heard.
- The respondent concerned shall consider whether any of the grounds enumerated under Section 14 of the Arms Act, 1959, exists for refusal of licence. If no such ground exists, one of the licences in the name of the petitioner shall be renewed. It shall be open to the petitioner to point out the licence, which has to be renewed.
- The entire exercise shall be completed within a period of one month from the date of receipt of a copy of this judgment.

Sd/-  
**A.V. RAMAKRISHNA PILLAI**  
**JUDGE**

bka/-