

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 1359 of 2015 (T)

PETITIONER(S) :

**VINCY CHERIAN, AGED 69 YEARS,
S/O.CHERIAN VARKEY, ELENJIKAL HOUSE, M/20,
CHANGAMPUZHA NAGAR, KALAMASSERY, ERNAKULAM DISTRICT.**

BY ADV. SRI.JOSHI N.THOMAS

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANADU.P.O,
ERNAKULAM DISTRICT-682 030.**
- 2. ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, KAKKANADU.P.O,
ERNAKULAM DISTRICT-682 030.**
- 3. THE DISTRICT POLICE CHIEF,
KOCHI CITY, ERNAKULAM-682 011.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE RELEVANT PAGES LICENCE GRANTED TO THE PETITIONER TO BE HELD ON ARM.
- EXT.P2: TRUE COPY OF THE RECEIPT NO.M3/28914/14 DATED 21.03.2014 FROM 1ST RESPONDENT'S OFFICE.
- EXT.P3: TRUE COPY OF THE RECEIPT NO.1951 DATED 20.03.2014 ISSUED BY THE DEALER.
- EXT.P4: TRUE COPY OF THE LETTER DATED 05.05.2014 ISSUED BY THE DISTRICT MAGISTRATE TO 3RD RESPONDENT AND TAHSILDAR KANAYANNOOR.
- EXT.P5: TRUE COPY OF THE REPORT OF CIRCLE INSPECTOR OF POLICE, KALAMASSERY DATED 28.05.2014.
- EXT.P6: TRUE COPY OF THE REPORT OF ASST.COMMISSIONER OF POLICE THRIKKAKARA DATED 12.06.2014.
- EXT.P7: TRUE COPY OF THE REPORT DATED 27.06.2014 OF THE SHO KALAMASSERY.
- EXT.P8: TRUE COPY OF THE ORDER NO.D.DIS/28914/2014/M3 DATED 01.11.2014 ISSUED BY THE 1ST RESPONDENT.
- EXT.P9: TRUE COPY OF THE PETITION DATED 06.01.2015 SUBMITTED TO THE 1ST RESPONDENT BY THE PETITIONER.
- EXT.P10: TRUE COPY OF THE RECEIPT DATED 06.01.2015 FROM THE OFFICE OF THE 1ST RESPONDENT.
- EXT.P11: TRUE COPY OF THE DECISION DATED 07.01.2015 OF THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

=====

W.P.(C). No. 1359 of 2015

Dated this the 21st day of January, 2015

JUDGMENT

The petitioner is the holder of an 'Armed licence' as evident from Ext.P1 which was issued in the year 2004 and being renewed from time to time. Pursuant to the application filed for further renewal, report was called for from all concerned by the 1st respondent as evident from Ext.P4 and such reports have been submitted by the concerned authorities as per Exts. P5 to P7. According to the petitioner, the above reports stand in favour of the petitioner. But without considering the same properly, the application for renewal was rejected as per Ext.P8. In view of the error apparent on the face of record, the petitioner has moved the 1st respondent by filing Ext.P9 review petition, the receipt of which has been endorsed thereon as borne by Ext.P10. According to the petitioner, it has been refused to be acted upon as per Ext.P11 endorsement, which made the petitioner to approach this Court by filing this writ petition.

2. The learned counsel for the petitioner points out that,

Ext.P8 is self contradictory in so far as the 1st respondent himself arrived at a finding in para 10 that the said respondent was inclined to renew the licence, who in the operative portion, however, has stated that, "... *the application submitted by the applicant for renewal of licence is hereby rejected.*" There is no proper application of mind with regard to the contents of Exts.P5 to P7 reports as well. The decision rendered by this Court as per **B. Ganesh Prasad v. The Board of Revenue (LR) & Another** (2005 (2) KLJ 36) is relied on, to have extended the relief.

3. The learned Government Pleader for the respondents points out that, no decision has been taken on Ext.P9 and that the endorsement as contained in Ext.P11 is only to the effect that the matter has to be verified whether any statutory appeal has been preferred by the petitioner before the Land Revenue Commissioner. The only prayer sought for by the petitioner is to cause the finalization of Ext.P9, which has to be done by the 1st respondent.

4. In the said circumstance, the writ petition is disposed of, directing the 1st respondent to consider and pass appropriate

orders on Ext.P9 in accordance with law after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-