

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 2628 of 2015 (C)

PETITIONER(S) :

**P.J.PETER, AGED 58 YEARS,
S/O.JOSEPH, PALLICHANKUDY HOUSE,
NEAR PANCHAYAT BUS STAND, MANANTHAVADY, WAYANAD.**

**BY ADVS.SRI.KRISHNA PRASAD. S
SRI.B.SIBI**

RESPONDENT(S) :

- 1. DISTRICT COLLECTOR,
CIVIL STATION, KALPETTA, WAYANAD DISTRICT. PIN - 673 121.**
- 2. ADDITIONAL DISTRICT MAGISTRATE
ADDITIONAL DISTRICT MAGISTRATE, CIVIL STATION,
KALPETTA, WAYANAD DISTRICT, PIN - 673 121.**
- 3. THE SUB INSPECTOR OF POLICE
MANANTHAVADY POLICE STATION,
MANANTHAVADY, PIN- 670 645.**
- 4. DISTRICT POLICE CHIEF,
OFFICE OF THE DISTRICT POLICE CHIEF, KALPETTA,
WAYANAD DISTRICT, PIN- 673 121.**
- 5. DEPUTY CONSERVATOR OF FOREST AND WILD LIFE WARDEN,
WAYANAD WILD LIFE DIVISION, SULTHAN BATHERY,
WAYANAD DISTRICT- 673 121.**

**R1 TO R4 BY GOVERNMENT PLEADER SRI.K.C.VINCENT
R5 BY SPL. GOVT. PLEADER SRI.M.P.MADHAVANKUTTY (FOREST)**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE ORDER DATED 07.06.2005 ISSUED BY
 THE 2ND RESPONDENT GRANTING THE PETITIONER LICENCE ARMS
 ACT AND RULES.**
- EXT.P2: A TRUE COPY OF THE JUDGMENT MADE IN W.P.(C).NO.5517/2013
 DATED 27.02.2013.**
- EXT.P3: A TRUE COPY OF THE CANCELLATION OF LICENSEE
 DATED 28.11.2014 ISSUED BY THE 1ST RESPONDENT.**
- EXT.P4: A TRUE COPY OF THE RECEIPT FEE DATED 06.03.2013 ISSUED BY
 THE 5TH RESPONDENT FOR REMITTING GUN REGISTRATION.**
- EXT.P5: A TRUE COPY OF THE ORDER RENEWING LICENSE BEARING NUMBER
 M1/2012/34234/12, IN FAVOUR OF T.P.PAUL WHICH IS UNDATED.**
- EXT.P6: A TRUE COPY OF THE ORDER RENEWING LICENSE BEARING NUMBER
 M1/2012/8646/12, IN FAVOUR OF M.P.KURIAKOSE, WHICH IS UNDATED.**
- EXT.P7: A TRUE COPY OF THE ORDER GRANTING LICENSE BEARING NUMBER
 M1/2012/19971/12, IN FAVOUR OF C.U POULOSE WHICH IS UNDATED.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 2628 of 2015

Dated this the 9th day of February, 2015

JUDGMENT

The petitioner is stated as aggrieved of Ext.P3 order passed by the 1st respondent, whereby application for renewal of Gun Licence has been rejected.

2. The case of the petitioner is that, he was granted a licence as licence No. 1044/MTDY on 7.6.2005 for possession of one Non-prohibited 32 Bore Webly & Scott Pistol No. 114262. Before the expiry of the period of licence, necessary application was submitted by the petitioner for renewal. Pursuant to Ext.P2 judgment passed by this Court in W.P.(C). No. 5517 of 2013, the said application came to be considered and rejected as per Ext.P3 order dated 28.11.2014, wrongly observing that the petitioner had not registered the said pistol before the authorities of the Forest Department and as such, there was a communication from the Deputy Forest Conservator to cause the licence to be cancelled, stating that, the submission that the petitioner is residing in a sensitive area, where there is much threat to life and limb is not actually correct.

3. The learned counsel for the petitioner points out that the petitioner has satisfied the requisite amount for the Gun Licence, to the authorities of the Forest Department on 6.03.2013 as evident from Ext.P4. Reference is made to the proceedings of the 1st respondent vide Exts.P5 to P7, whereby the licence has been renewed in the case of other persons concerned. But in the case of the petitioner, a discriminatory attitude has been adopted and hence the challenge.

4. Heard the learned Government Pleader as well.

5. What transpired after Ext.P4 before the authorities of the Forest Department is not discernible from the proceedings. The threat may differ from persons to persons and area to area depending upon various circumstances and the matter has to be considered with independent application of mind. The position has been made clear by this Court as per the decision reported in **Chandran Nair C. V. Additional District Magistrate Kasargod & Others** (2015 (1) KHC 351=2014 (1) KLT 41).

6. After hearing both the sides, this Court finds that the matter requires to be reconsidered by the 1st respondent, also

with reference to Ext.P4 and observations made by this Court as per the decision cited supra along with other relevant materials. Ext.P3 stands set aside. The proceedings as above shall be finalized at the earliest, at any rate, within 'two months' 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 concerned respondent for further steps. The writ petition is disposed of.

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

kp/-