

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. 6604 OF 2012 (A)

PETITIONER(S):

**P. BABURAJ,
S/O.GOPI NAIR, GOPI VIHAR, KALLUVAZHY P.O.,
THIRUVAZHIYODE VIA, VELLINEZHI VILLAGE,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR),
SRI.K.RAVI (PARIYARATH).**

RESPONDENT(S):

- 1. THE SECRETARY TO THE GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE DISTRICT COLLECTOR,
CIVIL STATION, PALAKKAD- 678 001.**
- 3. THE DISTRICT POLICE CHIEF,
PALAKKAD- 678 001.**
- 4. THE TAHSILDAR,
OTTAPALAM, PALAKKAD- 679 101.**

BY GOVT. PLEADER SRI.RAFEEK. V.K.

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE EX-SERVICEMEN IDENTITY CARD DATED 27/05/2008.
- EXT.P2 COPY OF THE ARMS LICENSE NO.K/132-G/DMS DATED 10/10/2007.
- EXT.P3 COPY OF THE REMINDER SEND BY THE PETITIONER SEEKING
RE-REGISTRATION/RENEWAL OF HIS GUN LICENSE
DATED 26/05/2009.
- EXT.P4 COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT
DATED 25/01/2012.
- EXT.P5 COPY OF THE GOVERNMENT CIRCULAR NO.76689/F.1/09/HOME
DATED 14/09/2010.
- EXT.P6 COPY OF THE APPOINTMENT LETTER ISSUED BY THE KORE
SECURITY SERVICES (AN EX-SERVICEMEN ENTERPRISE)
DATED 01/02/2012.

RESPONDENT'S EXHIBITS:-

- ANNEXURE A1 COPY OF THE LETTER NO.V-11026/72/11 ARMS.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 6604 of 2012

Dated this the 10th day of April, 2015

J U D G M E N T

Ext.P4, by which the 2nd respondent has rejected the petitioner's application for reregistration of his arms licence, is under challenge.

2. The petitioner, who is an ex-service man, is holding an arms licence issued by the District Magistrate, Srinagar District, Jammu & Kashmir State. As he got settled at Mannarkad, Palakkad District, he filed an application before the 2nd respondent seeking reregistration and renewal of his licence. Due to the delay in taking a decision on the application of the petitioner and as the period of validity was getting over, the petitioner sought renewal of his licence from the District Magistrate, Srinagar. Resultantly, his licence was renewed up to 10.04.2013. Thereafter, Ext.P4 was issued by the 2nd respondent, rejecting his application for

..2..

reregistration and directing surrender of weapon with immediate effect. This was on the basis of Ext.P5 circular issued by the Government, which mandates that arms licence could be issued only in cases, where serious threat to life exists. According to the petitioner, he is employed with the ICICI bank as gunman purely on the ground that he possessed a gun licence and therefore, the rejection of reregistration would result in loss of his employment. Therefore, the licence is a means of livelihood; according to the petitioner. It is with this background, the petitioner has come up before this Court.

3. The stand taken by the State is that the policy of the Government is not to issue licence to individuals, but, only to institutions, which employs security personnel. It is also contended that there is no provision for reregistration. The petitioner, who is an ex-serviceman, is holding an arms licence issued by the District Magistrate, Srinagar District. As there cannot be any reregistration, the only option to the petitioner is to

..3..

approach the authorized authority with a proper application for arms licence. If the authorities are satisfied that the petitioner is facing any imminent threat to his life or property, licence can be issued to the petitioner.

Therefore, the writ petition is disposed of permitting the petitioner to approach the authorities concerned with a proper application for arms licence within a period of one month from today. In the event of filing such an application, the same shall be processed; and after completing the formalities, formal orders shall be issued within a period of two months thereafter.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-