

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 14TH DAY OF AUGUST 2014/23RD SRAVANA, 1936

WP(C).No. 8378 of 2011 (V)

PETITIONER :

**GEORGE SEBASTIAN, S/O. DEVASSIA
MYLANDOOR HOUSE, KARANTHAGATE, P.O.NILESHWAR
KASARAGOD DISTRICT.**

**BY ADVS.SRI.K.B.PRADEEP
SMT.N.G.SINDHU**

RESPONDENT(S) :

- 1. THE STATE OF KERALA
REPRESENTED BY THE HOME SECRETARY
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. THE COMMISSIONER,
LAND REVENUE, GOVERNMENT OF KERALA
THIRUVANANTHAPURAM-695 001.**
- 3. THE ADDITIONAL DISTRICT MAGISTRATE,
KASARAGOD, PIN - 671 121.**
- 4. THE SUPERINTENDENT OF POLICE,
KASARAGOD, PIN - 671 121.**

R1 TO R4 BY SR.GOV'T. PLEADER SRI. MUHAMMED SHAH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14-08-2014,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 8378 of 2011 (V)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE ORDER DATED 3.8.2010 PASSED BY THE 3RD
RESPONDENT.

EXT.P2 COPY OF THE ORDER DATED 10.1.2011 ISSUED BY THE 2ND
RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J

W.P.(C).No.8378 of 2011

Dated this the 26th day of May, 2015

JUDGMENT

The petitioner's application for gun licence has been rejected by the impugned order stating that there is nothing on record to show that there is really exists threat to the petitioner's life and property.

2. The issue regarding gun licence and renewal has been concluded by various judgments of this Court. In **Chandran Nair C. v. Additional District Magistrate, Kasaragod and Others** [2015 (1) KHC 351], this court held that once licence is granted under the Act, same shall be renewed from time to time, unless there exists a ground for refusal as enumerated under Section 14 of the Act. Section 14 of the Arms Act enumerates following circumstances on which the licence can be refused.

"14. Refusal of licences --

(1) Notwithstanding anything in S.13, licensing authority shall refuse to grant --

(a) a licence under S.3, S.4 or S.5 where such licence is required in respect of any prohibited arms or prohibited ammunition ;

(b) a licence in any other case under Chapter II --

(i) where such licence is required by a person whom the licensing authority has reason to believe --

(1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition, or

(2) to be of unsound mind, or

(3) to be for any reason unfit for a licence under this Act; or

(ii) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.

(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or posses sufficient property.

(3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement."

3. The reason referred in the impugned order is not one referable under Section 14 of the Act. In that view of the matter the impugned order is set aside. There shall be a direction to renew the gun licence of the petitioner in accordance with law. It is needless to state that the renewal shall be only with effect from the date on which

order has to be passed not with reference to the date on which originally application for renewal was made. The needful shall be done to comply the order within a period of one month.

The writ petition is disposed of. No costs.

Sd/-
A.MUHAMED MUSTAQUE
JUDGE

VS