

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 8458 of 2013 (F)

PETITIONER(S) :

**P.H.ZAKKIR HUSSAIN, AGED 47 YEARS,
S/O.HUSSAINAR, SIMI MANZIL, NATTINPURAM,
ATHANI, MEDICAL COLLEGE POST, THRISSUR.**

BY ADV. SRI.R.SREEHARI

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**
- 2. THE LAND REVENUE COMMISSIONER,
OFFICE OF THE LAND REVENUE COMMISSIONER,
PUBLIC OFFICE BUILDING, MUSIUM JUNCTION,
THIRUVANANTHAPURAM-695 033.**
- 3. THE DISTRICT COLLECTOR,
CIVIL STATION, AYYANTHOLE, THRISSUR-680 003.**
- 4. THE SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE,
THRISSUR-680 001.**

BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

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

Msd.

WP(C).No. 8458 of 2013 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: PHOTO COPY OF RELEVANT PAGES OF ARMS
LICENCE NO.1435/TCR.**

**EXHIBIT P2: PHOTO COPY OF RECEIPT DATED 30.12.2009 ISSUED BY
THRISSUR ARMOURY.**

**EXHIBIT P3: PHOTO COPY OF THE ORDER NO.C5.62536/2009/K.DIS
DATED 15.09.2011 OF THE 3RD RESPONDENT.**

**EXHIBIT P4: PHOTO COPY OF THE ORDER NO.LR A2-44354/11
DATED 28.01.2013 OF THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J

WPC No.8458 of 2013

Dated this the 25th day of March, 2015

JUDGMENT

Exts.P3 and P4 are under challenge.

2. The petitioner alleges that he is a business man as well as an agriculturist. According to him, he was granted Arms License No.1435/TCR for possessing one 12 Bore SBBL Gun about 16 years back from the date of filing of the writ petition. According to him, the license was granted for the protection of his life as well as his crops. Before the expiry of validity of the license, he submitted an application for renewal of license and pending the application, he has surrendered his gun before the authority concerned as evidenced by Ext.P2. However, his application was rejected by Ext.P3 order. It was challenged in appeal before the second respondent. It was also rejected by Ext.P4. It is with this background the petitioner has come up before this Court.

3. The learned Government Pleader, inviting my

attention to the counter affidavit, submitted that the petitioner's application was rejected as at present there is no threat to his life or property.

4. The learned Government Pleader, during the course of the argument submitted that the petitioner has submitted a statement before the Police Officer, who recorded his statement at the time when the license was initially granted to the petitioner, stating that he was having some agricultural land in an uninhabited area which was situated on the side of railway track. Therefore, according to the learned Government Pleader, it was taking into account the threat to the security of the petitioner's crops, the license was granted.

5. It was further submitted by the learned Government Pleader, on instructions, that at present, the petitioner is living in a town and he is not having any property near any forest area. Therefore, the learned Government Pleader justified the stand of the Government that at present there is no threat to the life and property of the petitioner.

6. I see valid force in the submission. Considering the fact that the petitioner could not establish that the state of affairs which existed at the time of initial grant of license is still continuing, the petitioner is not entitled to get the reliefs as prayed for.

Therefore, this writ petition is dismissed.

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

css/

true copy

P.S.TO JUDGE