

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. 6623 of 2015 (C)

PETITIONER(S):

**S. SASTHANANDAN, S/O. SIVARAMAKRISHNAN,
MUKKARAMKADU HOUSE, KOTTEKKAD POST,
PALAKKAD-678 732.**

**BY ADVS.SRI.A.R.GANGADAS
SRI.M.L.SURESH KUMAR
SRI.BALAGODA VARMA**

RESPONDENT(S):

- 1. THE LAND REVENUE COMMISSIONER,
PUBLIC OFFICE BUILDING, MUSEUM JUNCTION,
THIRUVANANTHAPURAM-695 033.**
- 2. THE DISTRICT COLLECTOR/DISTRICT MAGISTRATE,
COLLECTORATE, CIVIL STATION, PALAKKAD-678 001.**

BY GOVT. PLEADER SRI.NOUSHAD THOTTATHIL.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-04-2015, THE COURT ON 10/04/2015 DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 6623 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1: TRUE COPY OF THE GUN LICENCE NO.236/H/PKD DATED 15.06.1967
ISSUED BY THE SECOND RESPONDENT TO THE FATHER OF THE
PETITIONER.**

**EXHIBIT P2: TRUE COPY OF THE ORDER NO.D2-2012/94666/9 DATED 11.02.2013 OF
THE DISTRICT MAGISTRATE, PALAKKAD.**

**EXHIBIT P3: TRUE COPY OF THE ORDER DATED 03.02.2015 IN LRA5-12396/2013
LAND REVENUE COMMISSIONER.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 6623 of 2015

Dated this the 10th day of April, 2015

J U D G M E N T

Aggrieved by Exts.P2 & P3, by which the petitioner's application for arms licence was rejected, the petitioner has come up before this Court.

2. The petitioner is an agriculturist. His father, late Sivaramakrishnan, had been in possession of licensed 12 bore double barrel gun since 1967 for agricultural protection (Form V). He expired on 19.10.2003. Subsequently, the petitioner submitted an application for a new licence for self protection as well as for agricultural protection. The ADM called reports from the authorities. Though the Superintendent of Police and Tahsildar recommended, the DFO objected. The ADM rejected the application based on the report of the DFO. Against that, the petitioner filed an appeal before the 1st respondent. The appeal was dismissed without hearing the petitioner.

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The petitioner approached this Court with WP(C) No.24281/2007; and this Court, as per judgment dated 26.06.2011, set aside the order and remanded the matter. On 17.11.2012, the 1st respondent set aside the order of the ADM and remanded the matter. After remand, the District Magistrate reconsidered the application and rejected the same based on the report of the Superintendent of Police that the petitioner is not facing any imminent threat to his life. It is with this background, the petitioner has come up before this Court.

3. Arguments have been heard.

4. The learned counsel for the petitioner relied on a decision of a learned Single Judge of this Court in **Chandran Nair v. Additional District Magistrate** [2015 (1) KLT 41], wherein it was observed that the protection to life and property of a citizen is the responsibility of the State; and it is only when a person apprehends that the machinery of the State may not come to his aid to protect his life and property, he/she applies

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for a licence under the Act. In that judgment, it was observed that the subjective satisfaction of the authorities under the Act that there is no threat to the life and property of the applicant may or may not be correct; and when the applicant feels that there is threat to his life and property, there is no reason for the State to risk his life and property.

5. On a perusal of the said decision, it can be seen that the aforesaid decision was rendered in a case, where a licence has already been issued. In that context, the learned Single Judge, in the light of Sections 14 and 15 of the Arms Act, 1959, found that once a licence is granted under the Act, the same shall be renewed from time to time unless there exists a ground for refusal as enumerated under Section 14 of the Act.

6. In the present case in hand, the petitioner is not a licensee under the Arms Act. Of course, there was a licence in the name of the father of the petitioner, which was issued in the year 1967. The petitioner's father

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expired in the year 2003. Though the petitioner alleges that he is facing imminent threat, he could not point out any instance, where his life or property was put to imminent threat. Therefore, the decision in **Chandran Nair**'s (cited supra) case cannot be made applicable to the present case.

On a consideration of the entire materials now placed on record, this Court is of the view that the petitioner is not entitled to the relief as prayed for. Therefore, the writ petition is dismissed.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-