

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. 10620 of 2012 (B)

PETITIONER(S) :

**FR.SANTHOSH AZHAKATH,
DIRECTOR-HR & OPERATIONS,
PUSHPAGIRI MEDICAL COLLEGE HOSPITAL,
THIRUVALLA-689 101.**

**BY ADVS.SRI.P.HARIDAS
SMT.S.SIKKY
SMT.LIJI KUTTAPPAN**

RESPONDENT(S) :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
PATHANAMTHITTA-689 645.**
- 3. THE SUPERINTENDENT OF POLICE,
PATHANAMTHITTA-689 645.**
- 4. THE SUB INSPECTOR OF POLICE,
THIRUVALLA-689 101.**

BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ

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

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF THE ARM LICENCE.

**EXT.P2 : TRUE COPY OF THE RENEWAL ORDER OF LICENCE
DATED 03.05.2010.**

**EXT.P3 : TRUE COPY OF THE JUDGMENT DATED 10.01.2011 IN
W.P.(C).NO.9933/2009 OF THIS HON'BLE COURT.**

**EXT.P4 : TRUE COPY OF THE LETTER DATED 21.02.2012 ISSUED BY
THE 2ND RESPONDENT TO THE 3RD RESPONDENT AND
TAHSILDAR.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J

WPC No.10620 of 2012

Dated this the 25th day of March, 2015

JUDGMENT

The petitioner, who is the holder of Arms license for a 12 bore SBBL Gun, has submitted an application for renewal.

The petitioner has come up before this Court apprehending that a condition is likely to be imposed by the respondent to deposit the arm without assigning any reason. This, according to the petitioner, is violative of the Arms Act, the Rules and the Guidelines issued by this Court.

The learned Government Pleader, on instructions, submitted that the application is pending and as per the provisions of the Act, the license holder is bound to surrender the arm as well as the license as and when required by the authorities concerned. However, the learned counsel for the petitioner is relying on Ext.P3 judgment of this Court in WPC Nos.9933/2009 & 10598/2009 wherein this Court observed that it was on account of the declaration of Lok Sabha election and the instructions issued by the DGP that the petitioners were called upon to deposit their licensed arms. This Court also took note of the circular issued by the Election Commission which

regulated the deposit of license. It was also observed that it is imperative that respondents 1 to 3 should be guided by the circular referred to above. Clarifying that position and directing that the deposit of the licensed arms shall be as per the circular issued by the State Election Commission, WPC Nos.9933 & 10598/2009 were disposed of.

In the light of the materials now placed on board, this writ petition is disposed of directing the second respondent to consider and pass appropriate orders on the application after affording the petitioner an opportunity of being heard and taking note of the observations contained in Ext.P3 judgment. This shall be done within a period of two months from the date of receipt of a copy of this judgment.

sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

P.S.TO JUDGE